

made, which perhaps I did not exactly understand, that we had levied a tax of 3 per cent. and appropriated \$1,300,000 for the support of the District government and then funded its debt into 3.65 bonds.

Mr. ALLISON. Yes, sir.

Mr. WEST. I should like to ask the Senator how much it costs to run the District government a year?

Mr. ALLISON. I would say to the Senator that there was a tax of 3 per cent. levied; there was an appropriation of \$1,300,000 in money; and there was a provision by which a large portion of this debt could be funded in 3.65 bonds and nearly \$8,000,000 have been so funded. I suppose all these different provisions have been carried out in good faith.

Mr. WEST. That is not answering my question.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. ISAAC C. PARKER of Missouri, and Mr. R. MILTON SPEER of Pennsylvania, managers of the same on its part.

The message also announced that the House concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870.

The message farther announced that the House had passed the bill (S. No. 958) for the relief of J. E. D. Couzins, of Saint Louis.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4848) for the payment of Edward Hubbard for mail service; and

A bill (H. R. No. 4847) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 134) for the relief of Daniel S. Mershon, jr.; and

A bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

#### EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, transmitting a copy of the report of Major C. R. Suter, Corps of Engineers, upon the improvement of the navigation of the Mississippi River between the mouth of the Ohio River and New Orleans; which was, on motion of Mr. WINDOM, ordered to be printed, and lie on the table.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Legislature of Nevada, in favor of increased accommodations in the mint at Carson City, and in favor of the removal of the charge for coinage of silver and for a reduction of the charge for melting, refining, and toughening of the same; which was ordered to lie on the table and be printed.

#### BILLS INTRODUCED.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1360) to remove the political disabilities of Philip Stockton, of the State of Texas; which was read twice by its title, and, together with the accompanying petition, referred to the Committee on the Judiciary.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL, Mr. DENNIS, and Mr. DORSEY submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

#### HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 4746) authorizing the Second National Bank of Watkins, New York, and the State National Bank of North Providence, Rhode Island, to change their names—to the Committee on Finance.

The bill (H. R. No. 4829) for the relief of the Willow Springs Distilling Company of Omaha, Nebraska—to the Committee on Finance.

The bill (H. R. No. 4846) to remove the political disabilities of Charles W. Phifer, of Texas—to the Committee on the Judiciary.

The joint resolution (H. R. No. 102) for the relief of Lowell A. Chamberlain—to the Committee on Military Affairs.

#### ADJUTANT-GENERAL'S DEPARTMENT.

Mr. LOGAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3912) to reduce and fix the Adjutant-General's Department of the Army, having met, after full and free conference they agree to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the bill of the House, and agree to the same.

JOHN A. LOGAN,  
GEORGE E. SPENCER,  
MATT W. RANSOM,  
*Managers on the part of the Senate.*  
CLINTON D. MACDOUGALL,  
WILLIAM G. DONNAN,  
JAMES W. NESMITH,  
*Managers on the part of the House.*

The report was concurred in.

#### EXECUTIVE SESSION.

Mr. HAMLIN. Mr. President, there are some matters of an executive character which I think require the action of the Senate. I do not think there can be a better period of time to devote to them. It will require but a short time to dispose of them. I move that the Senate now proceed to the consideration of executive business.

Mr. ALLISON. I ask the Senator to waive that motion until I pass a little local bill. It will take but a moment, I assure the Senator.

Mr. HAMLIN. Gentlemen all around me make the same request. I should be very happy to oblige every gentleman; but it is impossible. I must insist on my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. SCHURZ. While the galleries are being cleared we might pass a little bill. I ask consent to put on its passage the bill (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

Mr. WEST. Let us hear it read.

Mr. WRIGHT. Has that bill been reported from a committee?

Mr. LOGAN. It has been. It is all right.

The bill was read.

Mr. SHERMAN. I object to its present consideration.

The VICE-PRESIDENT. The doors will be closed under the order of the Senate.

The Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at eight o'clock and forty minutes p. m.) the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, February 27, 1875.

The House met at eleven o'clock a. m. Prayer by Rev. F. M. GREEN, of Kent, Ohio.

The Clerk commenced to read the Journal of yesterday.

Mr. THOMPSON, (interrupting.) I have no doubt that many gentlemen on both sides of the House desire to occupy the time in discussion of the important bill reported by the gentleman from Indiana, [Mr. COBURN.] I suggest that the reading of the Journal be dispensed with.

Mr. RANDALL. I object.

The Clerk resumed and finished the reading of the Journal.

#### EXPENSES OF ELECTION CONTESTANTS.

Mr. SMITH, of New York. I ask consent to offer the following resolution.

The Clerk read as follows:

*Resolved*, That the rules of the House be so far suspended that it may be in order at the time the sundry civil appropriation bill or the deficiency appropriation bill is under consideration in Committee of the Whole, to move an amendment thereto to pay the expenditures, in whole or part, of such parties to contested-election cases in the Forty-third Congress as the Committee on Elections may recommend.

Mr. WILLARD, of Vermont. I object.

Mr. SMITH, of New York. I move to suspend the rules and pass the resolution.

The SPEAKER. The Chair cannot now entertain the motion to suspend the rules.

#### COMMITTEE ON AFFAIRS IN MISSISSIPPI.

Mr. HURLBUT, from the Select Committee on Affairs in Mississippi, presented a report in writing, and moved that the report and the accompanying testimony be printed and recommitted, not to come back on a motion to reconsider.

The motion was agreed to.

Mr. O'BRIEN. I submit a report presenting the views of the minority of the committee, and ask that the same order for printing and recommitment be made.

There was no objection, and it was so ordered.

## CHANGE OF NAMES OF NATIONAL BANKS.

Mr. MERRIAM, from the Committee on Banking and Currency, reported back, with the recommendation that it do pass with amendments the bill, (H. R. No. 4746) authorizing the Second National Bank of Watkins to change its name.

The bill was read. It authorizes, under the usual conditions, the Second National Bank of Watkins to assume the name of the Watkins National Bank.

The amendments were agreed to.

Mr. MAYNARD. My colleague on the committee, the gentleman from Mississippi, [Mr. NILES,] was directed to report an amendment to add two sections to the bill authorizing the name of the Slater National Bank of North Providence, Rhode Island, to be changed to the Slater National Bank of Pawtucket, Rhode Island.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MERRIAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MAYNARD. I ask that the title be changed so as to include both banks.

The SPEAKER. The title will be changed to correspond with the amendments to the bill.

## GENEVA AWARD.

Mr. BUTLER, of Massachusetts, by unanimous consent, reported from the Committee on the Judiciary a bill (H. R. No. 4844) to amend the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under the award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

## E. W. METCALF.

Mr. BUTLER, of Massachusetts, also, from the Committee on the Judiciary, reported a bill (H. R. No. 4845) to authorize E. W. Metcalf to present his claim for the loss of the ship *Delphine* before the court of commissioners of Alabama claims; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Judiciary.

## E. R. SINGLETON.

Mr. BUTLER, of Massachusetts. I desire also to report a bill to remove the political disabilities of E. R. Singleton, of Mississippi.

The SPEAKER. That has already been passed.

Mr. BUTLER, of Massachusetts. I am glad to hear it. I desire to present another bill for the removal of disabilities.

## CHARLES W. PHIFER.

Mr. BUTLER, of Massachusetts, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 4846) to remove the political disabilities of Charles W. Phifer, of Texas; which was read a first and second time.

Mr. TOWNSEND. Does the usual petition accompany that bill?

Mr. BUTLER, of Massachusetts. The bill has been considered by the Committee on the Judiciary, and there is a petition on file.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed; two-thirds voting in favor thereof.

## DISTRICT SPECIAL IMPROVEMENTS.

Mr. HARMER, by unanimous consent, presented a memorial relating to the amount equitably chargeable to the street-railway companies for special improvements in the city of Washington, District of Columbia, and the recommendation of the board of audit to tax said companies; and the same was ordered to be printed, and referred to the Committee on the District of Columbia.

## WILLOW SPRINGS DISTILLING COMPANY.

Mr. NIBLACK, by unanimous consent, from the Committee on Ways and Means, reported back, with the recommendation that it do pass, the bill (H. R. No. 4829) for the relief of the Willow Springs Distilling Company of Omaha, Nebraska.

The bill was read. It directs the Secretary of the Treasury to credit the Willow Springs Distilling Company of Omaha, Nebraska, with such amounts as he shall find, on investigation, to be assessed against them, and still remaining payable as taxes upon grain used in excess of the surveyed capacity of their distillery during the months of September, October, November, and December, 1873, and January, February, March, and April, 1874; provided that the said Willow Springs Distilling Company shall prove, to the satisfaction of said Secretary, that the average production of spirits from each and every bushel of grain used and consumed in the production of spirits by them during the time above specified was at least three

and one-quarter gallons, and that they have paid the legal tax upon all spirits produced.

Mr. WILLARD, of Vermont. I reserve my right to object until I hear an explanation of this bill.

Mr. NIBLACK. There is a letter from the Secretary of the Treasury recommending that relief be granted.

Mr. WILLARD, of Vermont. I ask that the letter may be read.

The Clerk read as follows:

TREASURY DEPARTMENT,  
Washington, D. C., February 18, 1875.

SIR: I herewith transmit a copy of a letter from the Commissioner of Internal Revenue, relative to an application of the Willow Springs Distilling Company for an abatement of taxes assessed against them from September, 1873, to March, 1874, inclusive, amounting to \$10,105.93.

It will be seen that the Commissioner expresses the opinion that no relief can be granted by the Internal Revenue Office in such a case, but that he also believes that if the facts are such as they would appear to be from the evidence submitted, the claim is entitled to the favorable consideration of any tribunal that has power to afford relief.

I concur in these views, and likewise in the Commissioner's opinion that the parties can only be relieved by a special act of Congress.

I am, very respectfully,

B. H. BRISTOW,  
Secretary.

Hon. JAMES G. BLAINE,  
Speaker of the House of Representatives.

Mr. NIBLACK. I think there can be no possible objection to the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NIBLACK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

## BUSINESS OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. YOUNG, of Georgia. On behalf of the Committee on Military Affairs, I ask unanimous consent that an evening session may be held this evening for the business of that committee.

Mr. COBURN. I would prefer Monday evening next.

Mr. YOUNG, of Georgia. I would add the condition that the debate which commences to-day does not run into the evening session.

Mr. GARFIELD. I must object until we get the appropriation bills out of the way.

## JOHN FLETCHER.

Mr. SMITH, of Ohio. I ask unanimous consent to report back from the Committee on Claims, unanimously, the bill (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to John Fletcher, surviving partner of the firm of Fletcher & Powell, the sum of \$1,399.35, for overdeductions made by the Government of the United States for the transportation of military supplies in the year 1865.

Mr. WILLARD, of Vermont. Is this bill unanimously reported from the committee?

The SPEAKER. The gentleman from Ohio [Mr. SMITH] says that it is the unanimous report of the committee.

No objection being made, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SMITH, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I ask unanimous consent that the report of the Committee on Appropriations upon the amendments of the Senate to the Indian appropriation bill may be printed and recommitted to the committee.

Mr. BECK. I object to any business being done until order is restored in the Hall. It is impossible for any one to understand what is going on.

The SPEAKER. That is a very good point.

The motion of Mr. LOUGHRIDGE was agreed to.

## TEXAS PACIFIC RAILROAD, ETC.

Mr. HOUGHTON, by unanimous consent, presented a report from the Committee on the Pacific Railroad, to accompany the bill (H. R. No. 4547) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplementary thereto, approved May 2, 1872, and the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific Ocean," approved July 27, 1866; which was recommended to the committee, and ordered to be printed.

## BUSINESS OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. YOUNG, of Georgia. The gentleman from Ohio [Mr. GARFIELD] withdraws his objection to assigning Monday evening next to the business of the Committee on Military Affairs, with the understanding that it shall not antagonize the appropriation bills.

Mr. CESSNA. I have no objection if it does not antagonize the reports of the committees in relation to Louisiana and Alabama.

Mr. BECK. I object.



## PUBLIC BUILDING AT COVINGTON, KENTUCKY.

Mr. ARTHUR. I ask unanimous consent that the bill (S. No. 1019) to make an appropriation for a public building at Covington, Kentucky, be passed.

Mr. WILLARD, of Vermont. I object.

J. E. D. COUZINS.

Mr. FORT. I ask unanimous consent, on behalf of the Committee on Claims, for the passage of the bill (S. No. 958) for the relief of J. E. D. Couzins.

The bill was read. It directs the Secretary of the Treasury to pay to J. E. D. Couzins the sum of \$2,000, in full for services rendered to the Government of the United States in the detection and conviction of counterfeiters of United States Treasury notes.

No objection being made, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. FORT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## JOHN MONTGOMERY AND THOMAS E. WILLIAMS.

Mr. SPEER. I ask unanimous consent that the bill (S. No. 951) now on the Speaker's table, for the relief of John Montgomery and Thomas E. Williams, be passed.

Mr. WILLARD, of Vermont. Has that bill been considered by any committee of this House?

Mr. SPEER. No; but it has twice passed the Senate.

Mr. WILLARD, of Vermont. Then I object.

## CLAIMS FOR QUARTERMASTER AND SUBSISTENCE STORES.

Mr. LAWRENCE. I ask unanimous consent to report from the Committee on War Claims a bill making appropriations for the payment of claims reported to Congress under section 2 of the act of Congress approved June 16, 1874, by the Secretary of the Treasury.

The SPEAKER. The Chair understands that this bill is the same as the one objected to the other day for containing certain legislative provisions at the end of it. The former bill was House bill No. 4731, with the same title as this. This bill does not contain the two sections objected to in the former bill, and there is nothing in it except appropriations for the claims allowed by the Secretary of the Treasury.

Mr. LAWRENCE. The claims embraced in the bill under consideration are reported to Congress under the second section of the act of Congress approved June 16, 1874.

That section is as follows:

SEC. 2. That all balances of appropriations, for whatever account, made for the service of the Departments of the Quartermaster-General and of the Commissary-General of Subsistence prior to July 1, 1872, which on the 13th day of June, 1874, shall remain on the books of the Treasury, shall be carried to the surplus fund, except such as the Auditor of the Treasury, whose duty it is to settle accounts against such appropriations shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts as have been reported to him for payment by the Quartermaster and the Commissary Departments pending in his office. And the Quartermaster-General, Commissary-General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July 4, 1864, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each claim allowed by them at the commencement of each session of Congress to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

I present a table showing the State in which the claims originated, with the number of claims in cash and the total amount for each State:

State.	Number of cases.	Amount.
Alabama.....	1	\$250 00
Colorado.....	1	875 00
District of Columbia.....	7	4,135 80
Illinois.....	3	630 00
Indiana.....	1	125 00
Kansas.....	7	3,995 65
Kentucky.....	97	36,354 78
Maryland.....	35	10,022 20
Missouri.....	30	10,224 31
Ohio.....	1	250 00
Pennsylvania.....	3	393 75
Tennessee.....	82	40,904 17
West Virginia.....	11	4,443 90
Miscellaneous.....	1	125 00
Total.....	280	112,729 56

These claims will be found in House Executive Document No. 107, being letter of the Secretary of the Treasury transmitting schedule of claims examined and allowed since June 30, 1874. These are claims which originated during the war, for quartermaster and commissary supplies. There are claims for rent arising during the war, which are provided for in one of the general appropriation bills. These will be found referred to in House Executive Document No. 113. The claim reported as from Alabama originated in a loyal State. The claimant now resides in Alabama.

There being no objection, the bill (H. R. No. 4847) was received, read three times, and passed.

Mr. LAWRENCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## ORDER OF BUSINESS.

Mr. COBURN. I call for the regular order of business.

Mr. HERNDON. I hope the gentleman will not insist upon it at present.

Mr. COBURN. Well, I will yield for five minutes further.

## MEDALS FOR MEXICAN SOLDIERS.

Mr. HERNDON. I ask consent to introduce and have considered at this time a joint resolution granting condemned cannon captured in Mexico to the National Association of Veterans of the Mexican War.

The joint resolution directs the Secretary of War to deliver to the first secretary of the National Association of Veterans of the Mexican War four bronze or brass condemned cannon captured by the United States Army during the war with Mexico in order to enable the said association to supply to the honorably discharged soldiers and sailors of that war appropriate medallions commemorating the victories achieved by American arms in that contest.

Objection was made.

## LOWELL A. CHAMBERLAIN.

Mr. GOOCH. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of House joint resolution No. 102 for the relief of Lowell A. Chamberlain.

The preamble of the resolution states that Lowell A. Chamberlain was induced to tender the resignation of his commission of first lieutenant in the First Regiment of Artillery, United States Army, under the apprehension of being dismissed therefrom by sentence of a general court-martial, which resignation was accepted by the President of the United States, to date November 17, 1873; and that the vacancy created by the acceptance of the said resignation has been filled by promotion in regular course.

The joint resolution authorizes the President to restore the said Lowell A. Chamberlain to his position in the First Regiment of Artillery, United States Army, with the same rank and date of commission, and without forfeiture of pay, as if he had not tendered his resignation; provided that the President shall be convinced, upon an examination of the evidence in the case, that the dismissal of the said Chamberlain by sentence of the general court-martial before which he was tried would have been unjust and not warranted by the facts; and provided, further, that no vacancy which may hereafter occur in the grade of first lieutenant in the First Regiment of Artillery, United States Army, shall be filled until the number of officers in that grade in the said regiment shall be reduced to the number now allowed by law.

No objection being made, the Committee of the Whole was discharged, and the joint resolution read a third time, and passed.

Mr. GOOCH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## EQUESTRIAN STATUE TO GENERAL ZACHARY TAYLOR.

Mr. FRYE. I am unanimously instructed by the Joint Committee on the Library to report back for consideration at this time House joint resolution No. 126 for the erection of an equestrian statue in the city of Washington, District of Columbia, in honor of General Zachary Taylor, twelfth President of the United States.

The joint resolution directs the Joint Committee on the Library to contract, at a price not exceeding \$25,000, for an equestrian statue in bronze of General Zachary Taylor, twelfth President of the United States, to be placed in the circle at the junction of Massachusetts avenue and Fourteenth street, northwest, in the city of Washington, District of Columbia.

Mr. LOUGHRIDGE. I object.

## UNITED STATES COURTS IN UTAH.

Mr. SENER. I ask consent to report from Committee on Expenditures in the Department of Justice House bill No. 4269, providing for the payment of certain expenses of holding the United States courts in the Territory of Utah.

Mr. SPEER. I make the point of order on that bill.

The SPEAKER. It requires unanimous consent, and being objected to, is not before the House.

## DANIEL S. MERSHON, JR.

Mr. ARCHER. I ask unanimous consent to report back from the Committee on Naval Affairs, for consideration at this time, Senate bill No. 134, for the relief of Daniel S. Mershon, jr.

The bill provides that there be paid to Daniel S. Mershon, jr., the sum of \$46,715.08, in full payment and discharge of the claim of said Mershon for work done and material furnished in the construction of the side-wheel steamer Cimarron.

No objection being made, the bill was received, read the third time, and passed.

Mr. ARCHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## OFFICERS REAPPOINTED IN THE NAVY.

Mr. GUNCKEL, from a committee of conference, made the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their amendments, and agree to the bill of the Senate, with the following amendment:

Add the following as an additional section:

SEC. 2. That hereafter whenever any person who was mustered out as a supernumerary officer of the Army with one year's pay and allowances, in addition to the pay and allowances due him at the date of his discharge, under the provisions of the "act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, shall be reappointed by the President an officer of the Army, such appointment shall be under and with the express condition that 50 per cent. of such officer's pay shall be stopped monthly until the sum total of the extra year's pay and allowances received by him when mustered out as aforesaid shall have been refunded to the United States.

And the Senate agree to the same.

That the House recede from their amendment to the title of the bill, and agree that the title shall be amended so as to read as follows:

An act approving the action taken by the Secretary of War under the act approved July 15, 1870, and to provide for repayments of certain moneys paid to officers mustered out of the Army as supernumerary but subsequently reappointed by the President.

And the Senate agree to the same.

LEWIS B. GUNCKEL,  
EPPA HUNTON,  
J. M. THORNBURGH,  
*Managers on the part of the House.*

JOHN A. LOGAN,  
M. W. RANSOM,  
B. WADLEIGH,  
*Managers on the part of the Senate.*

The report was agreed to.

Mr. GUNCKEL moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## EDWARD HUBBARD.

Mr. DUNNELL. I ask unanimous consent to have passed at this time a bill which is unanimously recommended by the Committee on Claims.

The bill (H. R. No. 4848) for the payment of Edward Hubbard for mail service was read. It appropriates \$336.51 to be paid to Edward Hubbard, that sum being due him for the daily transportation of the mails from the post-office in Wiscasset, Maine, to the post-office at Sheepscot Bridge, from December 8, 1871, to February 11, 1873; this sum to be paid as full compensation for that service.

There being no objection, the bill was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

## LOUISIANA ELECTION CONTEST.

Mr. ROBINSON, of Ohio, from the Committee on Elections, presented a report on the contested-election case of Lawrence vs. Sypher, from the first district of Louisiana; which, with the accompanying resolutions, was ordered to be printed and laid on the table.

The resolutions were read as follows:

*Resolved*, That J. Hale Sypher was not elected a member of the Forty-third Congress from the first district of Louisiana.

*Resolved*, That Effingham Lawrence was duly elected a member of the Forty-third Congress for the first district of Louisiana, and is entitled to his seat.

Mr. HAZELTON, of Wisconsin. I give notice that I propose to file a minority report in writing upon this subject.

The SPEAKER. It will be understood that permission is granted to file the views of the minority.

## PACIFIC MAIL SUBSIDY.

Mr. DAWES. I ask that the gentleman from Iowa [Mr. KASSON] be permitted at this time to present the report of the Committee on Ways and Means in regard to the Pacific Mail subsidy.

Mr. KASSON. The Committee on Ways and Means, who were directed to inquire concerning the alleged "use of money to secure the passage through Congress of an increased annual appropriation to the Pacific Mail Steamship Company in the nature of a subsidy for the transportation of the mails," have directed me to submit a report in writing, with accompanying resolutions. The gentleman from New York [Mr. ELLIS H. ROBERTS] desires to report on behalf of the committee a bill on this subject.

Mr. ELLIS H. ROBERTS, from the same committee, reported a bill (H. R. No. 4849) to regulate the appearance and compensation of agents and attorneys prosecuting claims or demands before Congress and the Executive Departments of the Government, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted.

Mr. RANDALL. I ask for the reading of the resolutions reported by the committee.

Mr. KASSON. I desire that the report be printed and recommitted, and that a motion to reconsider be entered with the view of calling up the matter hereafter.

The SPEAKER. The Chair thinks that the right to report at any time gives the matter a stronger position than the motion to recon-

sider; but if there be no objection the action proposed by the gentleman from Iowa [Mr. KASSON] will be taken, and the motion to reconsider will be entered.

There being no objection, it was ordered accordingly.

Mr. ELDREDGE. I ask unanimous consent to have considered at this time a Senate bill to which there can be no objection. It authorizes a colored benevolent association to sell a piece of land in order to pay a debt.

The SPEAKER. Several gentlemen request the reading of the resolutions reported from the Committee on Ways and Means in regard to the Pacific Mail subsidy. The resolutions will be read.

Mr. G. F. HOAR. In that connection I desire to make a parliamentary inquiry: whether this motion to reconsider is privileged above the report of another committee that has leave to report at any time?

The SPEAKER. It is not so highly privileged. The Clerk will read the resolutions.

The Clerk read as follows:

*Resolved*, That a copy of the testimony taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service be delivered to the Clerk of the House of Representatives to be by him laid before the House at the first session of the Forty-fourth Congress, to the end that they make further inquiry and take due action upon the questions affecting William S. King and JOHN G. SCHUMAKER, and further proceed therein as they shall deem just.

*Resolved*, That the Clerk of this House transmit to the United States district attorney for the District of Columbia a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service, with direction to lay so much of the same as relates to the truth of the testimony given by William S. King and JOHN G. SCHUMAKER before the grand jury of said District for such action as the law seems to require.

*Resolved*, That any reporter or correspondent, having a seat in the gallery by permission of the Speaker, who has received any fee, bribe, or reward in connection with any legislation pending in either House of Congress, should be deprived of such privilege; and such conduct as disclosed by the evidence taken before the Committee on Ways and Means is severely censured by the House.

Mr. KASSON. It is necessary for me to add that the last three or four pages of the report state the facts upon which the resolutions are based, and are necessary to understand properly the reason of the resolutions. I will state further that the two employes of the House whose connection with the subject is recited in the evidence have already resigned, and that is the reason given in the report for not offering resolutions upon that part of the case.

## SECURITY OF ELECTIONS, ETC.

Mr. COBURN. Now, Mr. Speaker, I demand the regular order of business.

The SPEAKER. The gentleman from California [Mr. LUTTRELL] is entitled to the floor on the bill reported from the Special Committee on Affairs in Alabama.

Mr. ELDREDGE. The gentleman from Indiana said he would yield to me to introduce my bill.

The SPEAKER. The gentleman from Indiana has demanded the regular order of business.

Mr. GARFIELD. Has any limitation of debate been agreed to?

Mr. G. F. HOAR. Will the gentleman from Indiana consent to allow me to take an hour at this time for the purpose of disposing of the Louisiana resolutions, and then this matter can go on at the end of the hour?

Mr. COBURN. I should be glad to consent, but cannot do so.

Mr. BECK. The gentleman has no right to consent.

The SPEAKER. He has the same right as any other in giving unanimous consent.

Mr. BECK. But that only; and that unanimous consent cannot be had, for I will object.

Mr. G. F. HOAR. Then I desire to give notice that as soon as the pending question is disposed of I shall endeavor to introduce those resolutions and press them to a vote.

The SPEAKER. The gentleman from California [Mr. LUTTRELL] is entitled to the floor.

Mr. GARFIELD. The understanding I presume is that the vote is to be taken between one and two o'clock to-day.

Mr. LUTTRELL. I will yield five minutes to the gentleman from Georgia, [Mr. COOK.]

Mr. COOK. Mr. Speaker, representing one of the States of this Union for which special legislation is now sought to be provided by the rules of the House and the organization of its committees, I have been driven from pillar to post, begging for a few minutes from one or the other members entitled to the floor, that I might get a chance to defend my State against charges and accusations which have been made, either in misconception of the facts—

Mr. COX. I call for the preservation of order.

The SPEAKER. Gentlemen will resume their seats and preserve order.

Mr. COOK, (continuing.) Accusations, sir, which have been made in utter ignorance of the facts and of the true condition of affairs in that State, or have been made for a worse purpose, which I do not believe.

It was charged in the discussion last night by several gentlemen that great outrages and multiplied crimes were committed in the State of Georgia, and the attempt was made to hold the whole people of the State responsible for them; that a republican or a colored man was



denied his rights and privileges before the courts and could not get that justice which the law entitled him to. I say—and I have the statutes of Georgia here, and challenge comparison with any other State in this Union for the conservatism of its laws for the protection of electors, for the protection of the ballot-box, and for the security of life and property in that State—to-day peace prevails throughout our State, and men are protected in their lives and property as securely as in any other State in the Union.

One gentleman stated last night there were one hundred and fifteen thousand colored voters in the State of Georgia and that but forty thousand voted. I do not know where he derived his facts. I hold in my hand the return of the comptroller-general of Georgia, made last January, in which he showed there are only eighty-five thousand colored voters in that State and one hundred and fifteen thousand white voters. I wish to state this fact, and I ask the attention, not of violent, hot-headed politicians, but of the business men who desire the peace and quiet and order of the country. I ask attention to a statement made under official oath of the condition of the colored men in my State, and challenge anybody to show the same class of people in any other State of this Union with a greater amount of property than the colored people of Georgia. The colored people in the State of Georgia own 338,709 acres of land—homesteads they have bought since they became free. They own city and town property to the amount of \$3,513,809. They own in the aggregate property in the State of Georgia in their own right to the amount of \$6,157,798, and they pay a tax upon this six millions of property of \$30,798. This people left destitute, without a dollar ten years ago, have in this short period of time accumulated this vast amount of land, 338,709 acres, and other property to the amount of over \$6,000,000, and they would have had \$333,000 more but for the Freedman's Bank. This is the moral of it: that in my State where they did not feel secure they would not invest their money in property as they do in Georgia.

I will state another fact, that a large number of these people do not want to vote.

In most cases when the colored man becomes a property-holder in the State of Georgia, buying a homestead alongside of white men, he allies himself with the democratic party. He says, "The white man will protect alike his property and mine." Whenever the colored man buys a horse or a mule he does the same, and as they advance in education they do it. It is so throughout our entire State; and this accounts for the amount of property which they have acquired in our State and the homesteads on which they live to-day. I say that no hostile feeling is felt toward the colored man on account of his right to vote.

In 1865, in November, before ever Congress had assembled, I attended the convention called by President Johnson for reconstruction. The thirteenth amendment was adopted by the State of Georgia. In that convention we gave the colored men every right of property and every right of personal protection. We gave them the right to go into the court. We protected the colored man in his marriage rights. To-day by the laws of that State he has every right on the face of the earth that I have.

I was asked last night by a gentleman from Pennsylvania how it was that out of the thirty-four prosecutions in Georgia in the Federal courts under the enforcement acts there were only six convictions. I said it was because the parties were not guilty. I state on my personal knowledge that three-fourths of those juries in the State of Georgia in the last five years have been republicans, and the majority in many instances colored men who could neither read nor write. In my own county, with an intelligent white population of one thousand, four colored men and one Federal officer were summoned to attend as the juries of the Federal courts, and there was not on those juries a white man or a democrat. And yet out of the whole number of prosecutions in the Federal courts you see what was the number of convictions; the accused being brought before the republican judge, prosecuted by a republican district attorney, and tried before a republican jury.

I say that every charge, every accusation, every insinuation, I care not who makes it or where it comes from, that there is hostility between the white and the colored races of the State of Georgia, or that the colored race are denied their equal rights, their equal privileges, is untrue in fact, and such charges only show an utter ignorance of the condition of affairs.

[Here the hammer fell.]

Mr. LUTTRELL. I yield ten minutes to the gentleman from Massachusetts. [Mr. PIERCE.]

Mr. DURHAM. I rise to a privileged question. I call again for the reading of the one hundred and thirty-fourth rule, relating to the privilege of the floor.

The SPEAKER. It is the duty of the Doorkeeper to see that that rule is enforced. The Chair will remark that he thinks it is a very great abuse that gentlemen should come upon the floor by the courtesy of the House to abuse the privilege by making such a noise as to prevent members from hearing the discussion.

Mr. PIERCE. Mr. Speaker, I deplore the introduction of this measure into this House in the last hours of an expiring Congress; for in my judgment it is ill-timed, unnecessary, and worse than useless. Impressed with its injustice and impolicy, I should fall short of my duty did I content myself with giving a silent vote against it. It is a political measure, intended, as its advocates aver, to secure

in the country the ascendancy of the political party to which they belong. To this end it provides for the increase of the power of the President, and clothes him with additional authority to interfere in the internal affairs of the several States. For one I am opposed to this increase and to this interference. Nothing but an exigency of the gravest character would justify special legislation of this kind at the very close of the session of a House of Representatives that is to be succeeded by one of adverse political opinion.

Are we not at the bottom working simply and solely for the continuance of political party supremacy? Are we not aiming, or do not those who advocate this bill aim, if not exclusively, mainly at party success by this instrumentality? Is not that in fact the motive to the introduction of the bill? Sir, gentlemen know it is. We are told, by high authority, that one hundred and thirty-eight electoral votes of the reconstructed States rightfully belong to the republican party; and that if the bill now pending in the House becomes a law it will secure these votes to that party, and otherwise they will be lost.

The pretense of redressing personal grievances and protecting individual liberty by this bill is not sufficiently plausible to free the action of its supporters from this criticism. I assert, Mr. Speaker, that we have ample legislation already; sufficiently rigorous and effective laws to accomplish all that is necessary in the Southern States. The Revised Statutes not only permit, but by implication enjoin upon the President and subordinate authorities the suppression of insurrectionary manifestations; the protection of the States against domestic violence and the rights of citizens in the exercise of suffrage. Why, then, add to the laws this extreme power, these extreme penalties? Are we mindful that constitutional liberty has meaning or force? Do we consider the States as provinces of the General Government that we may obtrude upon them at our pleasure our officers, civil and military, sending them all through the country with utter disregard for their authorities?

If domestic violence exists in the Southern States, the President is empowered to crush it. He has exercised his powers in Louisiana, Arkansas, and other States; and certainly order and tranquillity reign in Arkansas and in Louisiana. We hear of none but political troubles to-day. And yet in the midst of peace we propose to enact a new force bill, with cruel and unusual penalties, and to suspend the writ of *habeas corpus*, that great writ of personal privilege and personal protection, that sole and simple barrier between liberty and despotism that distinguishes this nation and Great Britain from all other nations of the world.

Sir, it is not in the interest of the republican party that this should be done. The people I more immediately represent and the people of Massachusetts as well ask for no such violent remedy. They do not believe the occasion for it exists; and with all kindness toward those who are managing and urging this measure, I say that I doubt if in their heart of hearts these gentlemen believe that any such occasion exists now or is likely to arise in the future.

Unnecessary legislation is always impolitic and liable to abuse and is to be avoided; but legislation that strikes at personal rights and is also unnecessary demands the severest condemnation and will receive it when the people fully comprehend its character.

If any one dreams he can escape this judgment in the present case, he labors under a delusion that his constituents and the country at large will speedily dissipate.

Sir, I protest against this measure, and especially do I protest against this suspension of the writ of *habeas corpus* either now or in the future upon contingencies which it is assumed may arise. The liberties of the people should not be so trifled with. Better far that we endure a few calamities, a few hardships, than imperil the nation; and I ask if the nation is not put in peril when it is subjected to military authority in time of peace or when only inconsiderable districts of the country are disturbed.

The power to suspend is co-extensive with the country, and is limited only by the discretion of the President. Do gentlemen understand the effect of this suspension? Do they know that when the writ is suspended a person arrested by the military forces of the United States and incarcerated, can obtain no relief except by court-martial or by the order of the President; that every passion, jealousy, or caprice of the military power may be exercised without restraint?

Let us not forget the labors, cares, and difficulties that beset us in our struggles for national existence when it was necessary to suspend this writ. Let us not forget that even then many of the most patriotic and loyal citizens denounced the suspension of the writ and that nothing but the dire necessity of the hour sustained it.

Let us not forget that in the early days of the Republic this great writ was regarded as the bulwark of freedom; that down to the opening of the rebellion it had been most jealously guarded; that no discretion was left to the executive or judicial power or to any person but Congress to impair, modify, or abridge its force; and thus by law and tradition, this remedy for all, this protection for all had become surrounded by reverence, affection, and confidence. We are now asked to strike it down in an hour.

In this connection let me commend to the thoughtful consideration of those who are pressing this measure the pregnant words of that eminent jurist, Chancellor Kent, who says:

It requires more than ordinary hardness and audacity of character to trample down principles which our ancestors cultivated with reverence; which we imbibed

in our early education; which recommend themselves to the judgment of the world by their truth and simplicity; and which are constantly placed before the eyes of the people, accompanied with the imposing force and solemnity of a constitutional sanction.

In opposing this bill I am in strict accordance with all my past political action. Local self-government and the equality of all men before the law are the cardinal principles of my political faith. By these principles I stand or fall. I resisted the fugitive-slave bill because it trampled upon the principles of civil liberty and the rights of human nature. The bill now under consideration is permeated with the spirit which gave life and vigor to that odious measure.

Of the supporters of the fugitive-slave bill the most conspicuous were Jefferson Davis and John C. Breckinridge.

"The whirligig of time" presents to us to-day a most remarkable spectacle. Some of the most blatant and pretentious supporters of Jefferson Davis and John C. Breckinridge in conventions and before the people are here to-day the especial and self-constituted champions of this bill.

I shall be the last man in the world to question their consistency or dispute their motives.

Mr. Speaker, I know Massachusetts, and I have an inward assurance that I have spoken her sentiments here to-day. She has always interposed a firm resistance to the approach of arbitrary power. She resisted unto blood the stamp act, writs of assistance, and all the force bills which were enacted by Parliament to compel her submission to the British crown; she will be true to her traditions and to her history, and will resist by all constitutional means every attempt, by whomsoever made, to impose similar measures upon any portion of the people of our common country.

Mr. LUTTRELL. I now yield ten minutes to the gentleman from Vermont, [Mr. POLAND.]

Mr. POLAND. Mr. Speaker, in the course of this debate something has been said in reference to the condition of affairs in the State of Arkansas. I do not now propose to say anything in reply to a word that has been said upon that subject. At the proper time both myself and my colleagues on the committee will be prepared to maintain before this House that the conclusions to which we have come and which we have reported are such and such only as can be justified under the Constitution and laws of this country.

In relation to the bill which is now before the House, I desire to state a few legal objections that I have to it; and inasmuch as this is put forth and claimed as a party measure, and there are some things in it to which I cannot give my assent, I have sought the opportunity to state my views without any argument, but to state them as propositions merely; and for the purpose of being short I have reduced them to writing.

First, I oppose the first and second sections of the bill because the offenses therein described are offenses against the State and not against the United States. Among the powers granted to Congress by the Constitution is that of "calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." Invasion in this place doubtless means that of a foreign foe and by an armed military force. The authority to repel it clearly means to oppose by armed force, and to use the militia for that purpose.

In the fourth section of article 4, the "guarantee clause," the duty is devolved upon the National Government "to protect the States against invasion." In this clause probably the term invasion might well include an irruption into one State by an armed military force from another State.

The protection contemplated is by military force to drive away or destroy the invaders, and not by legislation. If it be admitted that the National Government may, under this clause, make the invasion of a State a crime against the United States, it must be an invasion in reality. It will not do to create an artificial, sham invasion by law and punish it by penalties. To make an unlawful intermeddling by two unarmed men against any State officer or State law an invasion within the meaning of the Constitution is a mere sham and farce. Under the first section an ordinary case of resisting an officer becomes an invasion, and so any interference by unlawful means with the due execution of any State law is made an invasion.

There is not in my judgment either constitutional power to get up a sham invasion for the purpose of punishing something else by calling it by that name. Nor do I believe if we had the power that there can be any necessity for Congress to assume jurisdiction over offenses which are clearly within the purview of State power and such as are punished by the laws of every State.

Second. The fourth section of the bill provides for punishing State officers for violating State laws.

I know of no authority in the Constitution which clothes Congress with any such power. I should be glad to have it pointed out. This section imposes no new duty on the State registration officers. The penalties in this section are denounced wholly against violations or neglect of the duties prescribed by the (State) registration law. Whether Congress can impose new duties on a State officer and punish him for not performing them is certainly a matter of very grave doubt ever since the decision of the Supreme Court in *Prigg vs. Pennsylvania*.

Third. I object to the thirteenth section, authorizing the suspension of the writ of *habeas corpus*. It is not claimed but that the courts

in all parts of the Union are open and in the free exercise of their full legal power and jurisdiction. Nor is it claimed but that the executive officers of the law can perform their duties, serve process, or make arrests anywhere or everywhere. That the laws are not well administered, that judges are partial, or that grand juries or trial juries neglect or disregard their duties, furnish no ground for the suspension of the writ.

It has never been supposed to be needful or justifiable to suspend the great writ of personal liberty except in times of great danger and violence, when the officers and tribunals of the law were powerless or so obstructed as to be practically unable to enforce laws and afford a protection to person and property.

Though I agree quite that the great changes made by the revolution and the abolition of slavery, do not yet run smoothly, and there yet remain many of the bitter dregs of slavery working wrong and violence, yet I see no remedy for them by the suspension of the writ of *habeas corpus*. There seems to be great confusion in the minds of many gentlemen as to the effect of a suspension of the writ. It confers no power on the President or any other official to arrest anybody, or to try anybody. Its only effect is to prohibit all courts from inquiring into the legality of arrests and imprisonments made under the authority of the Government.

Is there any need of thus prohibiting judicial inquiry into the legality of arrests and imprisonments? The reasons sought to be urged. It has been suggested that the State courts and judges hostile to the enforcement of the national laws can by the use of this writ release everybody arrested by Federal officers. But it is now well settled that a State court or judge has no legal jurisdiction to inquire into the validity of arrests made under Federal law by Federal officers. Federal judges only can exercise the jurisdiction. Is there so great danger that the courts and judges of the nation cannot be trusted? I cannot believe there is now or is likely to be any such condition of things as to justify it.

My opposition to this section does not in the slightest degree imply distrust in the prudence or patriotism of the present Executive. I would trust him with the power as readily as any President we have had; but the right of the citizen to have the question of his right to personal liberty examined and decided should only be denied when the national safety is itself in peril. The remainder of the bill is substantially the bill reported by the Judiciary Committee, known as Judge WHITE's bill, and I shall cheerfully support it; but we never dreamed of such remedies as this bill proposes, and for one I cannot support them.

I will now hear the question of the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I desire to ask the gentleman from Vermont this question: whether, in his judgment, the suspension of the writ of *habeas corpus* would give the effect of trial by court-martial of unoffending citizens?

Mr. POLAND. Not at all.

Mr. BUTLER, of Massachusetts. My colleague on the other side appeared to think it would.

Mr. HERNDON. Would it have that effect on offending citizens.

Mr. POLAND. It makes no difference in the law about trying anybody.

Mr. G. F. HOAR. Will the gentleman from California yield to me one minute?

Mr. LUTTRELL. I cannot yield more of my time.

Mr. G. F. HOAR. I desire only a single minute.

I desire to say that I concur substantially with everything that has been said by the gentleman from Vermont, [Mr. POLAND,] and the clearness and ability of his statement relieve me from making any speech of my own upon this question, with one single exception. I think the policy of the statute of 1871, known as the Ku-Klux act, which the gentleman from Vermont helped to frame, was wise; that it was approved by the entire country; that it suppressed a great evil, menacing alike the personal security and the right of suffrage of citizens. I think there is a portion of the country where a similar danger now exists and has been ascertained.

Mr. LUTTRELL. Is this coming out of my time?

The SPEAKER. Certainly.

Mr. G. F. HOAR. I ask the gentleman merely to allow me to finish my sentence. I was saying that I think there is a portion of the country where a similar danger now exists, as found not merely by the report of the three gentlemen who signed what has been called the minority report on Louisiana, but as found in that portion of their report which two more of their associates have authorized the statement to the country they would gladly concur in.

I should be glad if a bill could be framed so defining and limiting the territory, defining and limiting cautiously the time, defining and limiting also cautiously the occasion, which could give power to meet this contingency, such as proved effective in suppressing the Ku-Klux violence in 1871.

Mr. ELLIS H. ROBERTS. Does this bill do it?

Mr. G. F. HOAR. It does not.

Mr. BUTLER, of Massachusetts. But my amendment does.

Mr. LUTTRELL. Mr. Speaker, it is universally conceded that we have arrived at a great crisis in our national history. A turning-point in politics is at hand. Thousands upon tens of thousands of unprejudiced men of high repute are announcing their emancipation



from party ties which for years have bound them together in the closest political and partisan relationships.

It is a time for retrospect, review, and calm consideration. It is a time when the representatives of the people, above all others, should manifest the most earnest spirit and undoubted patriotism. However humble my position as a member of the democratic party, I ask for myself and my constituents that the true story of our national life shall be told; that the people shall know who are responsible for the good and evil that is now prominent on the record; that the evils may be remedied, and the benefits extended.

To-day peace and prosperity have forsaken one section of our beloved land. The cry of woe and almost of war has sounded in certain States of the South. Business is stagnated and depressed. The whole land feels the curse of misrule. The workshops of the North are closed, the fields of the South uncultivated. In our great cities the skeleton Want stalks with deadly tread through many a household. The great products of our land are carried in foreign vessels. Our shipping industries are dead; our mercantile industries almost suspended; our manufacturers, mechanics, and artisans idle. The whole combined industries of our nation seem paralyzed.

The question comes to us as the Representatives of the people, What are the causes for the existing state of affairs, and is it not our bounden duty to ascertain the same, and, if from error and neglect, to apply the remedy?

It will be beneficial, I think, to recall the fact that at the commencement of our existence as a Republic the burden of the national debt and expenditures was less than one dollar *per capita*, and so it remained for more than a quarter of a century. As property increased in value, and in just accordance with the increasing wealth of the individual, the *per capita* amount of debt and expenditure gradually increased until 1861, when the tax was but two dollars *per capita*. Hence there was no general complaint of the burdens of government and no suspicion of dishonesty founded solely on this advance of outlay for the maintenance of our political institutions.

In 1861 rebellion stalked with giant tread throughout our land. The exigencies of those years of strife are conceded. Far be it from my motives to criticize or censure the conduct of affairs in that trying period. There was a tremendous but necessary draft upon the purses of the people, and expedients for raising money were resorted to by the Administration, which I do not now call in question.

At the close of the war our debt had reached the sum of \$2,680,647,689, or about \$78 *per capita*.

When civil strife ended, it was the evident duty of those in power to sum up the indebtedness and begin administrative action upon a policy of close economy, and with a purpose to protect the rights and liberties of the conquered. This was the manifestly proper course to pursue, and every assurance was given by the party in power that congressional legislation should conform to such a purpose and plan.

At the commencement of the first term of President Grant taxation averaged sixty dollars *per capita*, and the people were told by most emphatic declarations from the dominant party that year by year the direct and indirect levy upon the tax-payers would be marked on a descending scale.

Has the Administration carried out those promises? To-day we see the revenues of the country insufficient to meet the expenditures, and this Congress has been appealed to to increase the tax-list some \$40,000,000 in order to meet the necessary expenditures of the Government.

Without taking up the excuses which have been offered in this House for the present condition of affairs, I shall now proceed to consider the causes of that condition and place the blame where it properly belongs—the republican party.

In spite of the debt created by the war, in spite of the depressing influences it has established, the republican party, instead of seeking economy in public expenditure, has given away to monopolies and private combinations 212,164,846 acres of the public domain, or an area of territory larger than the original thirteen colonies.

It has taken millions of dollars from the hard earnings of the people and paid them to private combinations and wealthy corporations, while millions of poor men and women are walking the streets of our great cities begging for bread, and thousands of maimed soldiers and honest creditors of the Government have waited year after year for the payment of pensions and honest claims.

It maintains a large standing army in the South at an expense of nearly fifty million dollars a year, in order to carry States for the republican party, while daily we hear of outrages upon our frontier on account of but little protection being afforded by our Government.

It has usurped by the force of the bayonet the State authority of Southern States, establishing a despotism unheard of in the annals of civilization.

It seats and unseats at will legislators of sovereign States, and exercises a power more despotic than monarchs.

It is responsible for "Black Friday" speculations, Credit Mobilier frauds, Sanborn contracts, and contract finance company's steals, whereby millions of money have been wrung from the business men of the country and the hard earnings of the poor.

It is responsible for the Indian ring frauds and postal ring speculations, whereby the Government and people have been plundered of hundreds of millions of dollars.

It is responsible for the increase of the civil list from forty-four

thousand five hundred employes in 1860 to nearly eighty-seven thousand in 1875, at a cost to the Government of millions of dollars.

It has instituted a system of espionage and oppression in the execution of the revenue laws, which robs the people and enriches the official at the expense of the public Treasury.

It maintains direct taxation, and proposes to still further tax the necessities of life and products of labor, while it upholds and maintains an army of cormorants in high places and official position.

It exempts the rich man's bonds from taxation, while it taxes the poor man's salt and the widow's pension.

Its spies and informers in all parts of the country desolate homes and drag their inmates, cuffed, chained, and beaten, hundreds of miles on mere pretense or the accusation of such spies and informers, (devils incarnate,) who do the bidding of the Attorney-General.

This is the work of that great party of progress; who in their efforts to elevate the black race have degraded and impoverished the white, and blinded by political prejudice have crushed out the liberties of the States of the South.

I appeal to members of this House, irrespective of party, to view this vital and most important question from a citizen stand-point, and give to those States which you have crushed by taxation and iniquitous laws the power to lift themselves up from out the darkness to prosperity, wealth, and future greatness.

As showing the efforts made by leaders of the republican party to still further increase the nation's indebtedness and add to the burdens of the people, I append the following tables, compiled from the statistics of the Government:

Year.	Gross receipts.	Expenditures.
1800.....	\$12,451,184	\$11,989,739
1820.....	20,881,493	21,763,024
1840.....	25,032,193	28,226,533
1860.....	83,371,640	77,055,075
1870.....	696,729,973	703,155,391
1874.....	744,238,600	724,698,933

#### Expenditures—Navy, War, and Indian Departments.

Year.	Navy.	War.	Indian.	Total.
1800.....	\$3,448,716	\$2,560,878	.....	\$6,009,594
1820.....	4,387,990	2,630,392	\$315,750	7,333,952
1840.....	6,113,896	7,155,204	2,271,857	15,540,957
1860.....	11,514,649	16,472,202	2,991,121	30,977,972
1870.....	21,780,229	57,655,675	3,407,938	82,843,842
1874.....	30,932,587	42,313,927	6,692,462	79,938,976

In four years, from 1870 to 1874, the expenditures of the Navy Department have increased nearly 50 per cent., and of the Indian Department nearly 100 per cent. This needs no comment. It appeals to the pockets of the taxpayers, who will govern their future political action in the selection of men who will administer the affairs of Government on an economical basis. In order that the people may know what it costs to keep an army of Government officials, I append a statement showing the annual salaries paid to maintain the principal Departments in Washington.

Treasury Department.....	\$2,669,424 37
State Department.....	84,909 42
War Department.....	627,187 74
Navy Department.....	123,458 21
Post-Office Department.....	441,158 09
Agricultural Department.....	76,924 00
Department of Justice.....	125,750 03
Court of Claims.....	29,061 00
Congressional Library.....	28,287 00
Botanical Gardens.....	12,145 63
Congressional Printer.....	13,914 00
Interior Department.....	93,317 76
Land Department.....	223,776 00
Indian Department.....	60,560 00
Pension Department.....	444,052 00
Patent Department.....	468,868 12
Education Department.....	17,561 07
Total.....	5,540,350 44

While thus adding to the expenditures of the General Government, as shown by the preceding tables, its agents in the South have involved those States in enormous debt, and have collected in the shape of taxes and plunder under carpet-bag and negro rule millions of money. The Government has become the mere tool of adventurers, at whose hands the people of the South expect no mercy.

The indebtedness of the South to-day is over \$300,000,000; and the people, not the administration, must pay the debt.

What have the leaders of the republican party to answer for the iniquity they have heaped upon a conquered people?

With political morality dead; with a party made up in the South of parasites, plunderers, and adventurers, is it not time that the people should rise *en masse*, as they virtually have done, and demand a change? Public officials have abused their trust and lowered their political integrity. Peculation is a synonymous term with "carpet-bagging." Men have robbed the Government and shared the spoils with those in power. Pardons have been granted to noted criminals,

and those same criminals have been placed in positions of trust and honor as soon as their release was effected. The Government has sanctioned corruption and encouraged those engaged in robbing the people.

Before the year 1862 the Government had been burdened with ten successive wars, and yet in 1861 our public debt was but \$64,000,000 and our expenditures but \$54,952,957. To-day our debt is over \$2,000,000,000, and our expenditures nearly \$800,000,000.

In 1860 our military establishment cost but \$16,000,000; to-day it costs nearly \$50,000,000.

Our Navy in 1860 cost but a little over \$11,000,000; to-day it costs over \$30,000,000. In 1861 our expenditures for Indian affairs amounted to but \$2,865,481; to-day the expenditures are nearly \$7,000,000, not over 20 per cent. of which sum ever reaches the poor Indian.

Our population in 1860 was 31,183,744 and in 1870 38,115,641; an increase of 22 per cent. It is estimated that our increase in expenditures from 1860 to 1870 is nearly 100 per cent.

On the basis of the census of 1860, it has been estimated that the gross value of the annual product of the people amounted to a fraction over \$3,000,000,000. In ten years, say, in round numbers, \$30,000,000,000. Of that total it appears by the ascertained receipts of the administration party that they have taken from the people in actual cash, two-thirds by taxation, the residue by loans, from 1861 to 1871, the appalling sum of \$10,803,307,811, or during the last preceding ten years the equivalent of 33½ per cent. or full one-third part of the gross estimated value of the entire annual product of the people on the basis of the census of 1860, and during the six years from 1865 to 1871 the sum of \$6,132,880,296. And of that total of treasure they have expended from 1861 to 1871 \$10,155,028,917, and from 1865 to 1871 the sum of \$5,587,610,202; leaving the people still burdened with a debt the annual gold-bearing interest of which is not less than \$125,000,000.

"In the year 1871 the Army of the United States, composed of thirty thousand enlisted men, cost the people \$44,080,084, or at the rate of \$1,469.33 for each and every soldier, while the royal army of Great Britain, composed of one hundred and thirty-five thousand men, four and a half times greater, cost that government only \$64,825,000, or at the rate of \$480 for each soldier."

These facts I leave for the digestion of my republican friends, and turn my attention now to Alabama, Louisiana, South Carolina, Arkansas, and other States of the South, and will endeavor to show, as far as I am able, that the necessity for the passage of any such iniquitous caucus measure as now proposed does not exist.

Now as to affairs in Alabama. The majority of the committee have presented a report based on evidence, as I will prove to you, of the worst character.

The witnesses called by the majority were mainly negroes, Federal office-holders, defeated aspirants, and in many instances criminals and men of no character or standing in the community; while the witnesses called by the minority included lawyers, judges, governors, doctors, planters, and men of the highest respectability, without regard to political views.

The minority of the committee at the commencement of the examination protested against receiving hearsay evidence, but their protest was utterly disregarded, and evidence admitted which would have been ruled out of any court of the United States or State jurisdiction.

At Opelika the witnesses all testified to no intimidation on the part of democrats or conservatives. Lieutenant Taylor, United States Army, testified that the whites were peaceably disposed toward the colored men, and that no negroes were prevented from voting except through their own carelessness in not reaching the polls in time, and which were kept open until sundown and after. He also stated that the negroes, instead of voting and going home, stood round the polls, and made it difficult to approach the place of voting. (See Testimony, 128.)

As showing that the only intimidation was on the part of republicans, I call your attention to the testimony of Robert Bennett, colored, page 58, in which he swears that he was turned out of church, his life threatened, his children turned out of the public school and beaten, because he voted the democratic ticket and belonged to a democratic club.

He also testified to bacon being offered him if he would vote the republican ticket, and if he did not, Mr. Isaac Heyman told him he would lose his ears and be thrown back into slavery.

I append a portion of his testimony:

By Mr. LUTTRELL:

Question. Did Mr. Heyman ever tell you if you voted the democratic ticket you would be taken back into slavery?

Answer. Yes, sir; he told me that two or three times.

Q. Did he offer you five dollars to vote the republican ticket last fall?

A. He offered it to me himself; he sent me the money by one of my men.

Q. When?

A. Just before the election last fall.

Q. Are you a property-holder here?

A. Yes, sir.

Q. What reasons have you, in addition to the reasons you have given, for voting the democratic ticket?

A. I wanted to get the taxes down. I knew that I could not hold the property according to wages and taxes; that is one reason why I done it.

Q. Did you notice any disturbance about the polls during the day of voting here?

A. I did not see a bit.

Q. Do you find the whites, as a general thing, kindly disposed toward the colored men?

A. They are.

Q. Do you know of any suits being brought by colored men against white men?

A. No, sir; I don't believe I know of any.

Q. You have not been at law to any extent yourself?

A. No, sir.

Q. You are getting along quietly and peaceably with your white neighbors?

A. Yes, sir.

Q. Do they pay you for your work?

A. They do.

Q. Do they keep their contracts with you?

A. Yes, sir; and I goes along with them just as well as I know how; me and my family.

Q. Your trouble has been with your colored men?

A. It has not been with the worldly people; it has been with my brothers in the church that has caused all my trouble.

Q. You have been trustee of your church eight or nine years?

A. Yes, sir; trustee and steward together; they turned me out the steward's place, and turned me over to a trustee, because the pastor thought the steward had a little more power.

Q. Did any colored republican ever make any threats against your life?

A. They shot holes in my house.

Q. In this town?

A. Yes, sir.

Q. Was it before or after the election?

A. Before the election.

Q. Did they show any cartridges or ammunition?

A. Yes, sir; one of the trustees went and bought cartridges, and me and him went right over there to the calaboose, and showed me a box, and threatened to stick every one of them cartridges into me.

The testimony of Alfred E. Lightfoot, colored school teacher, shows that bacon was used for political purposes, and that because he would not vote the republican ticket he was persecuted, his school locked up, and that he was insulted, and every threat offered him on the streets. To use his own language, he was "hunted like a rabbit before hounds."

Stephen H. Tucker, aged sixty-eight years, a republican, and for seven years clerk of the circuit court at Opelika, testified that the republican sheriff proposed to him to import five hundred colored voters from Georgia to carry the republican ticket.

Adam Kirk, colored, (p. 106,) testified that he was beaten for voting the democratic ticket, and that he and other colored men were informed by McLemore, Hubbard, Betts, the radical candidate for Congress, Heyman, and others, that they would be thrown back into slavery unless they voted with the republican party.

Sam Keller, colored, (pp. 116, 117,) testified that he was driven from the church, his children beaten and driven from school, on account of his voting the democratic ticket, and that wives were induced to leave their husbands for so voting, and that bacon was used for political purposes.

Washington Jones, colored, (p. 135,) testified to voting the republican ticket, and being promised by Mr. Heyman and other republicans bacon, a horse or mule, and forty acres of land the day after election.

Mr. Carpenter, colored, testified that the Colored Women's Association was headed by one John O. D. Smith, a republican white man, and its object was to induce colored women to leave their husbands if they voted the democratic ticket.

Irvin Drake, colored, (p. 195,) testified that he helped to haul the bacon the day before the election; there were three wagons hauling it; it was taken to the church, cooked, and distributed to the colored republicans.

Rev. Philip Allison, colored, presiding elder of the Methodist Episcopal church, testified (p. 202) to charges being preferred by several ministers in his circuit against members of their churches for voting the democratic ticket, and that these members would have been turned out of church, but he as presiding elder put a stop to such work. He also testified that the radical leaders had deceived the colored people, and had done a great deal of injury and occasioned all the strife which now existed between the white and colored people.

Jacob Stringer, colored, (p. 142,) testified to being beaten and turned out of church for belonging to the conservative club, his wife abused, his house fired into, and his family insulted. He was promised all the bacon he wanted if he would vote for Betts, the republican candidate for Congress, and if he did not his ears would be cut off.

Lewis Neil, colored, was offered a horse or mule, forty acres of land, and the civil-rights bill if he would vote the republican ticket; and if the republicans were successful, they would divide the houses, furniture, and bed-quilts of the democrats among the negroes.

In addition to other testimony, Congressman PELHAM testified to being compelled to leave Tuskegee on account of threats made, &c., while Judge Meaders testified that PELHAM had admitted to him that he left voluntarily, not being compelled to do so. I leave the question of veracity to these two gentlemen. So much for the PELHAM outrage.

It was shown by the testimony of many witnesses at Opelika that Heyman had used the name of President Grant as authority for asserting that the negroes would be thrown back into slavery if they voted the democratic ticket; that about twelve thousand pounds of bacon were distributed at Opelika, at least seventy-five miles from any overflowed country, in order to carry Betts's election, and that one of the most important witnesses, Charles Liscomb, the man who had hauled the bacon, was taken out of the country in order to prevent his testimony from being given.

The only ostracism complained of by any white man was by Dun-



bar, the keeper of a low groggery, and who complained that he was not patronized by white men, his only customers being negroes.

Isaac Heyman, who figured so largely at Opelika, was one of the first to join the rebellion, and was engaged during the war in hunting down Union men through the mountains. He is now a leading republican and office-holder under the Administration.

John O. D. Smith, the white leader of the colored woman's club, deserves to rank well among white citizens, and his valuable aid could no doubt be secured in other States to organize women's clubs, especially where the colored element predominates.

The worst testimony taken at Opelika was in regard to the burning of two churches, but as to who were the burners the testimony is very conflicting. The negroes were led and being organized at midnight meetings by a notorious colored outlaw by the name of Sharp, and in consequence of these meetings the white men moved their families for fear of danger. The burning was deplored by all respectable citizens, irrespective of party, and it was shown by the testimony that the democrats proffered material to rebuild the churches the next morning, having furnished the material in the first place with which the churches were built.

To sum up at Opelika: A careful examination of the testimony will show that the only intimidation was by colored republicans against colored democrats, who, under the influence of white men, drove them from the churches, the streets, and the school-houses; that even the sanctity of homes was invaded and the church made subservient to the will of the radical leaders. The testimony of these colored men is fully corroborated by such men as Hon. William H. Barnes, Judge Meadors, Colonel Frank Watkins, Mr. Tucker, and citizens of the highest respectability, irrespective of party.

At Montgomery a large number of witnesses were called, and as sworn to by every witness on the stand, republican and democratic, it was shown that the shooting and killing was participated in by two factions of the republican party, the democrats taking no part in the riot in that city. And yet the majority of the committee, in summing up the evidence, fail entirely to mention the fact that the bloodshed and murder at Montgomery were occasioned by republicans only. Is it not remarkable that Mr. COBURN and Mr. ALBRIGHT should overlook such an important matter, while if the democrats had been engaged in it those two gentlemen would have shed copious tears over the murders perpetrated by democrats.

In the language of the chairman at Eufaula, he wanted "red-hot testimony;" but when his witnesses told tales of murder in the camps and among the members of his own party he did not care to mention it. I believe both of the gentlemen received "red-hot testimony" at the last election that their services were no longer required as congressmen.

The character of the witnesses called by the minority at Montgomery is beyond criticism. Among them were such men as Ex-Governor Watts; the present governor, Houston; Judge Buckle, chief justice of the supreme court; Hon. Judge Rice, a man of national reputation; Messrs. Screws, Jones, and others; all of whom testified to no intimidation, no ostracism, except on the part of republicans, and no occasion for Federal interference. These gentlemen had taken part in the election, with one side or the other, and were not insulted, were allowed to deposit their votes without interruption, and assert as false the general indictment against the citizens of Alabama contained in Mr. HAYS's letter to General HAWLEY.

My time will not permit my referring specially to the testimony taken at Montgomery, but I desire to call the attention of this House to one fact; that is, that during the last eighteen months some twenty murder trials have taken place in that city, every one of which was the murder of a colored man by one of his own race, and at the time of our visit there one hundred and twenty-five prisoners were in jail, all of whom were colored. The city and county of Montgomery is controlled by republicans, with republican judges on the bench, so that if any democrat had been guilty of crime or misdemeanor of greater or less magnitude, it was in the power of the republican party to have prosecuted him to the full extent of the law.

Turning now to Mobile, we found the same character of witnesses and the same causes leading to the commission of crime—the majority, as usual, confining the testimony to negroes, Federal office-holders, and defeated aspirants, and in no case calling a democratic witness. The minority called General Healy, United States marshal, and ex-Mayor Moulton, both leading republicans; Senator Hamilton, Mr. Brewer, the mayor of the city; and other prominent citizens, irrespective of party. Some seventy to one hundred witnesses, white and colored, testified to no intimidation and ostracism except by republicans, and that every man was protected in the free right of suffrage, so far as the conservatives were concerned. As showing the intimidation by republican negroes, I will call the attention of this House to the testimony of John Barber:

JOHN BARBER, (colored,) a witness for the minority, sworn and examined.

By Mr. LUTTRELL:

Question. State your name, age, and residence.

Answer. My name is John Barber. I am fifty-three years of age. Reside in Mobile.

Q. How long have you lived here?

A. I was here thirty-six years before the war, and was here at the election and prior to the election last fall.

Q. Did you have any difficulty here prior to the election?

A. I did. I attended a meeting in the support of the democracy. Two or three

hundred persons—a crowd of men and boys—came to break it up, crying out, "Break it up! Break it up!" They were black men. I told them we wanted no trouble, and requested them to go away. They did so, but came back again, repeating their cries. I was president of the club. They went off again, and we did not remain long after that for fear of difficulty, but adjourned the meeting, and I returned to my house, about a half mile away. While sitting by my fire, between twelve and one o'clock, I heard a noise outside, and, looking through the windows, saw about twenty-five men, who were whispering together, and who finally asked if I was in. My wife replied that I was, and they then said that Mr. Price wanted me. I did not go, when they broke open my door with axes. I had a long knife, which I took in my hand as I went to the door. Jack Throer, a republican negro, threw a brickbat at my knee. The scars of the blow show yet. After that brickbat whistled by me, and I then made my escape to the back door, but found the house was surrounded. I raised my knife and they gave way, and I made my escape to another house. As I got to the chimney outside Jack Throer flung another brickbat at me, and I then broke into the other house, which belonged to Mr. Page, hallooing, "Murder!" The negroes outside said, "Turn out the damn democrat. God damn him, we are going to kill him this night." I then crept under the mattresses in the bed in the house, when Mr. Page's wife said I must go out; that if I did not they threatened to pull his house down. Jack Throer stood at the door with a spade. My wife came to the door and told them not to kill me. They said, "Yes, they were going to kill the damn son of a bitch." Throer struck at my head with a spade, but struck my wife and cut her fingers and nearly knocked her down. After that I got away. Pete Charleston struck at me with a brickbat on the back of the head. I afterward ran to Mrs. Morris's house, and as I got into the door they threw brickbats and spoiled her door. I was at that time bleeding severely. I remained there half an hour, and in the mean time they pulled down her fence. I finally took out my knife and went out among them, and as they saw me they fired three pistol-shots, one of which hit me, and also struck me with a brickbat. Jack Throer and Matthew Taylor shot at me. I ran then down to Mr. King's house, but fell against the door and could not open it. At that time Jack Throer tried to hit me on the head, and struck me on the scalp. I cried "Murder!" and ran about ten steps, and got into Mr. Magree's house, and at that time they shot at me, and Jack Throer flung an ax over my head. I got into the house, and they asked whether those men were going to kill me. At that time I was bleeding worse than ever. They tried to turn me out, saying that if they did not they would pull their house down. The man of the house got his revolver, but his wife and daughter told me to get out. I went out of the back door, crept into a little box, and staid there nearly an hour. In the mean time that crowd remained around there crying, "Where is the damn democratic son of a bitch?" They searched in his door and all around the place, but could not find me. They finally went away, and I got home.

Q. Were you beaten and abused by those republican negroes because you voted the democratic ticket?

A. I was.

Q. Do you know of their beating and abusing other colored men for voting the democratic ticket?

A. They said that I had got to die. They said they had killed York Tunstall that night, and now they were going to kill me.

Q. Do you know of the republican negroes in this city being armed and having secret councils for the purpose of preventing the democratic negroes from voting?

A. I know they had what they called a company which I never would join. It was at the court-house. Those negroes threatened to burn up my wife and children after that, and I had to move them out of the second ward.

Also to the testimony of York Tunstall:

YORK TUNSTALL, a witness for the minority, sworn and examined.

By Mr. LUTTRELL:

Question. Were you here on the day of election in November?

Answer. I was.

Q. Were you here during the campaign before the election?

A. Yes, sir.

Q. Did you have any trouble with the colored men of this city before the election?

A. I did. While attending the club meeting I went across the street to lunch. They came in after me. One man at the door said, "If you don't turn that damned nigger out, we will cut your door down." Another man said, "We will stay here till day." I saw two men hanging on the fence, and others were up the street, and I went out the back way and found the yard full of men. They pitched into me. I recollect Jack Throer and Spencer Davis, although I can't say Spencer Davis struck me.

Q. Who else struck you?

A. A yellow fellow whose name I don't know. I never visit them. They are all gamblers, and I am a working-man.

Q. Did they strike you on that occasion?

A. Yes, sir. There are now scars on my head, and my arm is hurt so that I cannot well move it. One man caught me by the jacket and another one by the neck. I fell from the beating they gave me, and when I recovered, Mr. Armistead, a policeman, and another man took me out of the crowd and told me to go home, as there was a large crowd around there.

Q. Did they beat you severely?

A. Yes, sir.

Q. Were they colored republicans who beat you?

A. Yes, sir; that is what they said.

Q. For what reason did they strike and beat you?

A. All I heard them say was to Mr. Fisher, in whose house they found me. They said, "If he didn't open his door or turn that damned York Tunstall out they would cut the door down."

Q. They whipped you because you were a democratic negro?

A. Yes, sir.

Mrs. Barber, the wife of John Barber, and a large number of white witnesses, corroborate the testimony of these two colored men.

— testified to the beating and murder of negroes at his mill for voting the democratic ticket.

In regard to the riots at Mobile, it was shown that a negro had been arrested in the morning for crime, and was being conveyed to jail by a deputy sheriff, when the negroes determined to rescue their comrade, and fired upon the deputy sheriff. In the evening, headed by Allen Alexander, one of the most notorious colored outlaws in Alabama, with six indictments for different crimes now hanging over his head, the colored men, numbering at least three hundred, rushed down the street shouting that they would take the polls at all hazards and repeat as often as they wished to. Mayor Moulton, a republican, testified that he as mayor of the city, accompanied by a squad of policemen, attempted to intercept the mob and arrest Alexander, but before he could reach him a sheriff had arrested the outlaw. Immediately upon Alexander's arrest the negroes began firing into the whites and the whites returned the fire.



This testimony is fully corroborated by Hon. John Forsythe and Mr. Rapier, both of whom were standing in a room above the street and saw the whole occurrence. And yet the chairman of the committee in his speech last night stated that the negroes were not armed, while the whole testimony shows that they fired the first shot, and that when arrested, arms were taken from Alexander and other negroes engaged in the riot. I regret, Mr. Speaker, that my duty as a Representative compels me to speak of the character of the testimony taken by the majority—confined in many instances to the most degraded and disreputable people, one of whom, Ben Lane Posey, had been convicted of a nameless crime, and which, by special request, I consented might be stricken out of the testimony. Is it strange that the people of Mobile should protest against being judged by the testimony of men who would have been spurned from any respectable society—of degraded beings, insensible to every principle of honor and justice—of negroes, schooled as to their testimony by unprincipled white men.

I call the attention of every honest Representative and citizen to the appeal of eight hundred business men of Mobile who only ask that they may be examined and tried by respectable evidence, and which I will now read:

MOBILE, January 5, 1875.

GENTLEMEN: The undersigned, citizens of Mobile, have learned with pain and surprise the course pursued by the majority of your committee in performing the duty assigned them. The undersigned supposed that such a committee would seek to inform themselves of the very truth by inquiring of the intelligent and impartial members of the community, and would take pains to learn that such sources of information were really open to them. The undersigned learn that, instead of pursuing that course, the majority of the committee have put themselves in communication with the local leaders of the republican party, mainly defeated candidates, and known here to be violently prejudiced against the great mass of our people, and from such source, as might be expected, have been furnished mainly with the crude and inflated statements of ignorant colored men.

The undersigned protest against being judged in any such manner, and against having the character of this community and this people tried upon the statements of such witnesses. That is not making an impartial investigation into facts, nor is it ascertaining the truth of the matters the committee were appointed to investigate by the best evidence within the reach of the committee.

The citizens of Mobile are not disobedient to the laws. There is no design or intention by them to deprive colored men of their rights under the laws; on the contrary, they have protected colored men and will continue to protect them in their rights. The white citizens of Mobile have done no more and will do no more than, as far as they can, prevent colored men from fraudulently voting when not really entitled, and from casting repeated votes, as they have frequently heretofore done, under the influence of bad men or stimulated by their own bad passions and ignorant prejudice against the whites.

The undersigned deny that colored men are systematically injured or oppressed in their rights. They are protected in their rights; but colored men look upon restraint against the abuse by them of their rights as oppression. If the truth could be presented on its real merits, the undersigned do not hesitate to say that that is the real cause of the complaint so loudly made by them and in their name.

Very respectfully,

WM. D. DUNN,  
President Board of Underwriters.  
M. WARING,  
Citizen of fifty-two years' standing.  
E. S. PENNYMAN & CO.,  
Grocers.  
And others.

Hon. Messrs. A. H. BUCKNER and J. K. LUTTRELL, members of the committee of the Congress of the United States appointed to make investigations in the State of Alabama and now in Mobile.

Need I add more than this petition. Here are a brave, generous, and noble people, from whom have sprung some of the greatest minds that have controlled the affairs of our nation; their property, their homes, everything they possess or care for, is at stake. They ask only that they may be heard, and not hopelessly crushed by the evidence of degraded negroes and white men and unprincipled adventurers.

One more reference, and I am done with the Mobile testimony. The majority called James Gillette, a Federal office-holder and a man of small caliber. He testifies (p. 625) that the people of Alabama are incapable of self-government, and that that State must be governed by congressional legislation. Alabama is cursed with such whilom statesmen, carpet-baggers, and Darwinian adventurers as this man Gillette.

Contrast his testimony with that of General J. M. Withers, a leading citizen, prominent not only in State but national affairs, a gentleman of culture and high moral character:

By Mr. LUTTRELL:

Question. Do you not think the sending of United States troops to this State was calculated to intimidate voters?

Answer. Unquestionably. Everything of that sort intimidates; and that is not all. Do not misunderstand me. These demonstrations intimidate both sides. There are a class of whites who are intimidated and there are a class of negroes who are intimidated. I saw some few negroes who were not intimidated, and who were bold and fearless, and I saw whites who I am satisfied were intimidated. That, however, is simply an opinion.

Q. Do you not think the sending of troops into this State at the last election was an outrage upon the sovereignty of the State?

A. Well, sir, that strikes precisely at an opinion of mine. I have always believed that any interference except to keep down resistance to a State Government in a State was an outrage on a State, and that is now my opinion.

Q. Then it is your opinion that the sending of these troops here was simply an outrage?

A. It was, upon anything like State rights. I do not say there was not need for a strong arm to put down lawlessness.

Q. Is there not lawlessness on the part of colored republicans against colored democrats?

A. That is my opinion, without having seen it. I cannot doubt that.

Q. Do you know anything about what they call carpet-baggers in the State; have they not been a curse to your country?

A. I believe that their influence has been most pernicious, but there have been honorable exceptions, I believe.

Q. Do you not believe that if the people of this State were let alone to manage their own internal affairs, as they have been allowed to do in days gone by, that it would be the best interest of the country and the Government, and particularly to the people of the State?

A. We have either got to go back and throw upon the people of the State the responsibility of law and order and build up a healthful public sentiment at home, or we have got to do away with the mockery of State governments and have a central power to rule the States as provinces.

Q. Then, according to your theory, the best thing we can do is to leave the government and management of the affairs of this State to the intelligence of the bona fide residents of the State and the men who have an interest in the welfare and prosperity of the State?

A. That is the only thing we can do, if we are to preserve a republican form of government. We must get rid of all extraneous influences. There are grievous ills to be corrected among ourselves. But I have gone against southern public sentiment upon that subject simply because I saw outrages that I could not as a citizen, without a public sentiment to back me, correct; and the people made a pretext that there was a power over them foreign to themselves interfering, and justified themselves in outrages which if they had been left to themselves would not have been perpetrated.

Q. If you removed these carpet-baggers, allowed the negroes to go along quietly and peaceably, and permitted the intelligence of the State to manage the affairs of the State, you think the condition of the people of the State would be better?

A. I believe that, whatever immediate ills might result, the only way to get back to a healthful public sentiment, doing justice to all, is to throw the responsibility upon the people of the State of maintaining a just and proper and honest government, or else taking the power and concentrating it in one central power to govern them as provinces. I do not wish to be understood as asserting that here among my own people there are not evils which ought to be corrected. I state that I believe they will either have to be permanently corrected by a central power crushing out all pretext of State rights or throw the responsibility upon the State, when I believe a healthful public spirit will spring up.

These are the sentiments of an honest man, and my friend General HAWLEY, of Connecticut, struck the key-note last night when he said leave "the affairs of the States to be governed by the people, who must correct the evils existing therein." These were the sentiments of a statesman and gallant soldier, which I heartily indorse, and which I hope this House will indorse, by refusing to sanction a measure which crushes out the liberty of a portion of our people.

As showing still further that the reports of ostracism and intimidation on the part of democrats are untrue, and as confirming my statements that such intimidation is only with the republican party, I submit one hundred and forty-seven affidavits of colored men, one of which I will read, they all being the same in substance:

STATE OF ALABAMA,  
Mobile County:

Personally appeared before me, Alexander W. Roulstein, a notary public in and for said county and State, Sydney Evans, residing at Mobile, Alabama, who being sworn in due form according to law, deposes and says that he was threatened with death and bodily harm by the white and black republicans if he voted the democratic or conservative ticket, and by such threats and intimidation was prevented from voting at the November election, and from exercising the right of suffrage secured by the fifteenth amendment to the Constitution of the United States.

SYDNEY EVANS.

In addition to these one hundred and forty-seven affidavits I had a joint affidavit signed by James L. Cassady and eleven other policemen of Mobile, which I will read:

MOBILE, January 14, 1875.

We, the undersigned, citizens of Mobile, do hereby swear that we were in the employment of the officers of the city of Mobile as policemen, and sundry other employments, during the year 1874, the city then being under the rule of the republican party, C. F. Moulton, mayor; that on the 31 day of November, 1874, we did at the State election vote for the candidates on the conservative ticket, for which offense we were ostracized, and the next day discharged from such service.

JAMES L. CASSADY,  
And eleven others.

And yet, with all this testimony, the chairman speaks glibly of ostracism and intimidation by democrats, and the discharge of men for voting the republican ticket. I deny, Mr. Speaker, that a scintilla of evidence has been elicited showing the discharge of colored men for so voting, and assert that the only intimidation and ostracism to-day in Alabama is among the republican party toward white and colored men who would not vote to countenance the fraud, depredation, and crimes committed by that party.

As a further evidence that the republican party is a party of ostracism and intimidation, not only in Alabama but all over the country, I exhibit a ticket prepared in the city of Washington and sent to Mare Island in my own district, known in California as the "tape-worm" ticket, which is three inches in length, one-sixteenth of an inch in width, and with the State, county, and township ticket printed upon it in letters so small that it required a microscope to read them, which the workmen of Mare Island were compelled to carry in their hands to the polls or lose their situations. This ticket was gotten up by the party of progress, and is known as the "tape-worm" ticket, more particularly on account of its size, but at the present time indicates the wriggles and agony of the republican party.

One more affidavit and I am done with Alabama.

The deputy United States marshal, a republican, and a candidate for the State Legislature, testifies as follows:

STATE OF ALABAMA,  
County and City of Mobile:

Personally appeared before me, Henry S. Skaats, United States commissioner for the southern district of Alabama, James S. Perrin, who is known to me personally, and after being duly sworn according to law, deposes and says: That he was appointed and commissioned deputy United States marshal for the southern district of Alabama on the 12th day of October, 1874, by Robert W. Healy, United States marshal, and at the request of the republican State executive committee;



and on the 27th day of the same month made a requisition on the commander of the military post of Mobile for a detachment of soldiers to enforce writs of the United States courts, but said writs had no existence. This requisition was made at the suggestion of the chairman of the republican State and district executive committees, and with the concurrence of members of said committee.

The real object of these troops was to quarter them in the most central portion of the democratic part of the district, and intimidate democratic voters by causing reports to be circulated that the deponent had warrants for the arrest of a large number of whites for alleged violation of the enforcement act and national election law; also for persons who had failed to pay colored men their full wages. Many persons who had taken an active part in the democratic nominating convention, and some who had had personal difficulties with colored men, were led to believe the report was correct, and rather than be arrested and arraigned before a United States commissioner's court with unscrupulous witnesses to testify against them, and in order to avoid the expense and trouble of a trial, prepared to leave and did leave the county. This action incited and encouraged the more partisan and turbulent negroes to unite the colored row against the whites, and enabled the deponent to vote them as he chose.

There were about three hundred and fifty democratic voters in Monroe County who had been lumbering in the counties of Conecuh, Escambia, and Covington, but had returned on account of the timber panic, and who were prevented from voting by the deputy marshal, who was under the impression at the time that they had forfeited their residences and would be violating the constitution of the State of Alabama, which was construed by the marshal that it required a residence of six months in the State and county before they could legally vote, and any violation of the State laws was a violation of the national election law approved February 28, 1871. The aforesaid persons, being uncertain about their rights in the premises, and not wishing to have any trouble with the national authorities, did not vote in the election held on the 3d day of November, notwithstanding they had resided in the county three months preceding the election.

The affiant further affirms that three and a half hogsheads of Government bacon (more or less) were placed at his disposal, which he issued to the colored people exclusively, with a few exceptions, a small number of whites whose poverty alone excited the sympathy of the deponent. Reports were circulated by some republicans that on a given day the deponent would issue the bacon to colored persons who would vote the republican ticket, and if they received the bacon and afterward neglected to vote as required, they would forfeit all their rights in law, &c. While the deponent did not himself circulate any of the aforesaid reports, he neglected to affirm or deny any of them. After the deponent had issued the bacon he put up the following notice:

"In order to correct the impression that I am using Government bacon to influence the election, no more will be issued until the 3d day of November, 1874."

"J. L. PERRIN."

In conjunction with the above notice, the deponent gave letters to persons authorizing them to list all persons who had been injured by the overflow of the Alabama River or any of its tributaries. These lists would give the needy to understand that it would be expected of them to vote the republican ticket if they got any bacon. Many persons, who expected there would be a large amount of bacon issued after the election, were induced to vote the republican ticket or not vote at all. The deponent caused to be issued in the adjoining counties to Monroe that on the 3d day of November he would give a barbecue at Monroeville, free to all who chose to come.

This caused negroes in large numbers to come, and who voted the republican ticket, (straight.) At least five hundred illegal votes were cast there, and these for Horlison against BROMBERG. Without the influence as cited above, Horlison would not have received more than one hundred votes, as the colored people were getting along so well with the whites in the way of getting cheap rents and supplies to enable them to run their farms; and not wishing to discontinue such relations with their landlords, they would have voted the democratic ticket almost *en masse*. The deponent took possession of the polls at Monroeville on the day of election, and stationed the soldiers in the following manner: One at the door of the room where the balloting was being done, two at the ingress of the circle, and one at the egress. The deponent was a candidate for the Legislature.

JAMES S. PERRIN.

Sworn and subscribed to before me this the 22d day of December, 1874.

HENRY S. SKAATS,

United States Commissioner Southern District Alabama.

Now, gentlemen of the republican party, these are facts that are sworn to by respectable, honest, and intelligent citizens, men who have lived in the community for years. But in addition to these I add a few more evidences of the crimes of the republican party in Alabama. Let honest republicans read the following letter from Isaac Heyman, the hunter-down of Union men through the mountains, and now one of your office-holders in Alabama, to General R. W. Healy, United States marshal.

ROOMS REPUBLICAN EXECUTIVE COMMITTEE,  
THIRD CONGRESSIONAL DISTRICT OF ALABAMA,  
Opelika, Alabama, October 20, 1870.

MY DEAR GENERAL: When you become disgusted with letters from me, telegraph and I'll cease writing; as it is I shall continue. Another county heard from, and a good, clever, "brave-as-a-lion" fellow recommended to the high and exalted office of United States deputy marshal. The euphonious name of the gentleman is W. G. Mayberry, and I hope you'll send his commission and appoint as many more as we (I) may be able to get to serve. The deputies will all vote right in this district. Twenty thousand blank commissions will carry the State overwhelmingly. Bait is good, and especially for democratic office-hunger. Permit me to call your attention to the note printed at the foot of your deputy's commission. I thought they had a right to arrest violators of the Federal election law on the day of election (*flagrante delicto*) without warrant or other process. The summoning of jurors before election will do much good. Don't send this letter to the Attorney-General. No troops here as yet. Taxing you to answer this, I am yours always,

ISAAC HEYMAN.

Examine also carefully letters from Heyman, Keils, and Maher, in which they recommend proper persons for jurors, and in which they call for blank warrants and commissions, the one to be used for the same purpose as Perrin had used them, to intimidate white voters, and the other as "bait."

Let me also call your attention to Keils's letter (p. 1274) in which he says "all is quiet, canvass going on, but send us troops."

O, shame! Can it be possible that we have men who are guilty of such atrocious, infamous, and damnable acts! And yet the majority of the committee have failed to see anything but outrages on the part of southern democrats. I will say to that majority, "pluck the beam out of thine own eye," most virtuous legislators!

Knowing these crimes on the part of adventurers, plunderers, and

"carpet-baggers," can you expect the people of the South to love them, to associate with such marauders? Is there a people on the face of the earth that would? But, Mr. Speaker, I would not convey the idea that all the republicans of Alabama are of the class I have mentioned. No, sir; General Healy, Ex-Senator Warner, Southworth, Judge Wood, Rice, Smith, Kimball, and hundreds of others are true, honest, gallant men who have settled in Alabama, invested their money, and, acting the part of good citizens, are respected by all and welcomed by the people of the South. It is only your Heymans, your Keils, your Saltieles, and men of that stamp, who do not receive or merit the countenance of honest men.

Leaving Mobile, I now wish to call your attention to Eufaula. At Eufaula a large number of witnesses testified. Hon. H. D. Clayton, judge of the eighth judicial district; Ex-Congressman Shorter, J. M. Macon, and a large number of other witnesses of the highest respectability, irrespective of party, were called by the minority, and testified (p. 837-861) that the riot at Eufaula was incited by colored men. It was shown by testimony taken that the negroes were advised by the notorious Keils to come armed to the polls; and that in accordance therewith some five hundred, preceded by fife and drum, and armed with guns, pistols, clubs, and wagon-spokes, came in the town in one direction, and about eight hundred or one thousand, similarly equipped, entered in another direction. At the request of leading citizens, irrespective of party, some prominent citizens headed by a United States marshal went out and met the negroes and advised them not to come to the polls armed; but, unheeding the advice of men who wanted to prevent bloodshed, they marched into town and took possession of the polls, cursing and yelling. On the attempt of a colored man to vote the democratic ticket he was seized, and when the marshal and democrats endeavored to prevent the killing of the negro they were fired upon, and the fire was returned by the whites and resulted in the killing and wounding of several men on both sides.

I append the testimony of Rev. J. C. Davis, taken at his bedside on account of illness:

Rev. J. C. DAVIS, called for the minority, sworn and examined.

By Mr. LUTTRELL:

Question. What is your profession?

Answer. I am an Episcopal minister.

Q. Were you in this city at the November election?

A. I was.

Q. Were you present or did you see the riot take place during the day of the election in this city?

A. Yes, sir.

Q. Do you know who fired the first shot?

A. I went down to the election about half past nine o'clock, and, as my custom is, up into the office of Colonel Shorter. There are two windows in the building looking to the east. That gave me a view of the crowd all together, because the crowd was almost immediately under the windows, in one of which I was sitting. At about half past ten I saw a movement in the crowd, and watching it I found that the police, or other parties—deputy sheriffs for the day, and others—had a colored man in their possession. Why he was arrested I did not know at that time; but as they were endeavoring to take him to the guard-house, I saw from fifty up to sixty negroes following after him and the officers, with the view, as I supposed, to get him away from them. Nothing serious occurred on the part of that immediate mob. At about half past twelve I was looking over the crowd, and in a southeasterly direction from me the crowd was swaying to and fro. Between that place and myself there was a well, in the center of the street. The crowd moved on the other side of the well up toward the north and in a diagonal direction toward me. As they came out I saw two men clinch. One was a white man, the other was a negro. The white man's back was toward me. The negro's face was toward me. Seemingly, the white man had hold of the negro with both hands, holding him, and as they got out to the edge of the crowd, I saw the negro stoop slightly, throw himself up and around, and by that movement he broke loose from the white man. He ran about five or seven steps from the white man. I saw him turn around and his arm raised. I saw him shoot and heard the report and saw the smoke. He shot while the white man was falling, because in endeavoring, and in actually breaking away from the white man, he threw the white man forward. The white man did not fall to the ground, but nearly so. While the white man was recovering from the fall the negro shot. Even while the white man was falling, or while he was recovering himself, there was a second shot. Who fired the second shot, I do not know; it came from the direction of the white man who was falling. Upon the firing of these shots almost simultaneous, the negro fell. I supposed that he had been shot, but I saw him immediately rise, fire again, and run. He fell a second time, but before he fell the second time there were at least from five to seven or ten shots fired. I supposed that he was shot again. I saw nothing more of him during the morning. There were, I suppose, one hundred and seventy-five shots fired that morning all within the space of, perhaps, of fifty or sixty seconds. It may have been slightly over that. It was not more than a minute before the trouble was all over. In the general melee, standing as I did in the window, after the ten or fifteen shots, fearing that a shot might perhaps get up into the window, I retired from it. I saw nothing more of the general shooting until it was nearly over. I looked out again and then saw three persons shoot. One, however, was a colored man, who shot up in the air. He did not seem to be aiming at any one. I saw another negro standing north of the well, in the center of the street, shoot toward the south-east, and then toward the southwest, and then he threw himself down upon the ground, folded his hands under him as if he had not done anything at all. I saw a white man standing about ten feet from the negro who fell, and who seemed to see the negro shoot in that way. When this white man saw the negro shoot and fall for protection, I saw him pull out his pistol and aim at him, but he put his pistol back without firing. He was not, I suppose, more than ten feet from the negro who had thus fallen for protection. I saw another negro deliberately take aim at a white man. He shot, but at the time his pistol went off four negroes ran between the negro with the pistol in his hand and the white man. One of these negroes fell, and immediately this white man, being an especial friend of mine, and in my church, I went down to see whether he was killed or injured. As I got down upon the sidewalk there was a colored man at my left. Immediately I had taken my step, the colored man threw up his arm saying, "I am shot." The ball passed not more than two inches from my head. Coming down, I found the white man had escaped, and that the negro had been slightly wounded in the shoulder or arm, and fell as he was shot. That is all the shooting that I saw. In the general melee it would have been impossible for me to point out the shooters.

Q. I understand you to say that you are positive that the first shot fired was fired by a negro?



A. Yes, sir.  
 Q. Did you know his name?  
 A. I did not know his name at the time.  
 Q. Have you learned his name since?  
 A. I have. He is called Milus Long or Lawrence. It is one and the same person.  
 Q. Did you know the white man whom he shot at?  
 A. I did not know the white man at the time, but ascertained afterward from a combination of circumstances the white man was Mr. Charles Goodwin. I inquired who the white man was, and I knew that the negro who fired was the negro who broke loose from the white man.  
 Q. Was there any firing from the buildings on either side of the street in the upper stories?  
 A. I saw and heard none; there was none so far as I personally know.  
 Q. The firing all seemed to be in the street below you?  
 A. Yes, sir.  
 Q. Did you see many negroes armed with clubs or sticks and pistols?  
 A. Not with pistols, but any number with large clubs and sticks. There was evidently a nervousness among the negroes that morning, and the white people generally seemed to apprehend a good deal of difficulty.  
 Q. The white people seemed to entertain fear of the negroes?  
 A. Very decidedly. I do not think that the white men were so thoroughly armed at the beginning of the day as the shooting would indicate. I think that when they found the negroes to be in such a spirit, and actually threatening, they thought it prudent for them to prepare themselves, and I think that the preparation of the white men that day grew out of the threatening attitude of the negroes coming to the polls with clubs and large and heavy sticks, any number of which could be seen that day.  
 Q. What is your age?  
 A. I am forty-nine years of age.

I might also refer to the evidence of Miles Colquet and other colored men who agree with the whites, that the negroes fired the first shot, and were the inciters of the riot. In fact the testimony taken at Eufaula, as in other places, showed that the negroes, incited by unprincipled white men, were clearly the instigators, and that no intimidation or ostracism prevailed except on the part of republican negroes toward democrats of the same color.

I now append a card published by the Hon. Samuel Flintroy, colored, for several years a member of the Legislature, a leading republican of Eufaula, and highly respected by all parties, who became so thoroughly disgusted with the action of Kiels and others that he abandoned his party:

[From the Eufaula Times, (tri-weekly,) January 6, 1873.]

A CARD.

To the good people of Barbour County:

For several months past I have been convinced that the radical party, South, and especially in Barbour County, are a corrupt, false, and dishonest set of men, selfishly aiming at personal gain, utterly regardless of the true interest and legitimate destiny of the country. And I have desired so to declare myself in an address or published card, but have been persuaded not to do so. I now solemnly assert and publish, and hereby pledge myself in future accordingly to act, that there ought to be only one party here for the interest of land, labor, and honesty—for their interests and welfare are kindred and indissoluble; and my knowledge of the past and present assures me that our salvation as a people, white and black, is to be all democrats, determined no longer to listen to or follow the evil counsel of bad men, who have no interest in the country beyond their own personal political elevation.

SAM. FLINTROY.

JANUARY 1, 1875.

In Eufaula the bacon was used, as in other places, to control republican votes; but all testimony bearing on the bacon business was ruled out by the majority.

D. McRea, a leading republican, was appointed agent, as will be seen by the following notice:

NOTICE.

EUFULA, ALABAMA, October 5, 1874.

Notice is hereby given that all persons living upon overflowed lands in the second congressional district of Alabama, who make application for supplies under the late act of Congress, must make the same in writing, setting forth that they are in want, the number and names of persons in family, giving exact location of their residence, having said application approved or certified to by some responsible person who is cognizant of the facts as set forth in the application.

Upon receipt of said application, properly made out and vouched for, supplies will be issued. In case the same is to be shipped, the parties must furnish shipping directions and pay all expenses.

I will commence to receive your applications from October 12 until the day I commence to distribute, on the 4th of November, 1874.

D. McREA, Agent.

It will be seen from the notice that twenty-three days would necessarily elapse before any of the bacon would be distributed to applicants; and the fact that the distribution was to take place the day after the election was conclusive evidence that none but those who voted the republican ticket would receive the bacon.

The testimony (pp. 1292-1299) shows that the republican congressmen met in caucus, without consulting their democratic and liberal republican colleagues, and agreed upon the distribution of bacon.

The testimony of Captain Gentry, United States Army, shows that bacon was sent by Hon. CHARLES HAYS away from the overflowed country into the highlands, distributed and used for political purposes, and that Captain Gentry seized what he could get hold of and sold it by order of his superior officers.

When it was ascertained that the bacon sent to Alabama had been used mainly for political purposes, the majority of the committee with true republican virtue, decided that they were not sent to take such evidence, and ruled it out.

The testimony of Mr. Kimball, a northern man connected with the railroad interests of Alabama, and of Mr. White, a gentleman of culture and a republican of high standing, who was sent by the New York Tribune to examine into the facts and present a truthful statement of affairs, shows that no ostracism or intimidation existed in Alabama except that practiced and adhered to by the republicans.

I call your attention to a portion of the testimony of Ho J non.P. Southworth, a life-long republican and an earnest supporter of that party in Alabama:

JOHN P. SOUTHWORTH, a witness for the minority, sworn and examined.

By Mr. LUTTRELL:

Question. State your name, age, residence, and occupation.

Answer. My name is John P. Southworth; age, forty; residence, Mobile, Alabama; my profession is that of a lawyer.

Q. Have you held the office of United States district attorney for that district?

A. Yes, sir; I have held the office of United States attorney for the southern district of Alabama four years, and also held the office for the northern and middle districts for about two years during that time.

Q. Do you know the condition of affairs in Alabama as to social ostracism on the part of the whites against northern men?

A. So far as my own experience goes, I do; and I think I do as to others.

Q. What is that condition?

A. I have never been ostracized.

Q. Are you a republican?

A. I am, and always was since the organization of the party. I studied my politics on the western reserve in Ohio, where I was a law student, and graduated under Owen Lovejoy, in Illinois. I have been an old-time republican, and what might have been termed in those days a free-soiler.

Q. Do you know whether there is any discrimination as against a black man any more than against a white man made by the courts and juries in the trials of cases in Alabama in which blacks and whites are interested?

A. So far as my experience as a prosecuting officer or as a mere practicing lawyer since my term of office expired in May, 1873, I say no. I do not think there is.

Q. Have you prosecuted and defended criminals in that State and prosecuted and defended civil suits of both colored and white?

A. Yes, sir; I might say that I have prosecuted criminals in that State and defended men charged with crimes.

Q. In your official capacity, have you prosecuted any republicans? And, if so, state the case, and whether he was convicted or not.

A. While district attorney I prosecuted a postmaster of Mobile charged with embezzling the public funds. I say prosecuted. I drew the indictment and went out of office before the trial was had. He was tried by a jury which, I think, were nine-tenths his political opponents; and I know his bail were mainly democrats of the city of Mobile, the bail being fifteen or twenty thousand dollars, and he was acquitted. He was probably as active and zealous a republican as there was in that city. His labors were not confined simply to Mobile; they extended to the Legislatures.

Q. Do you see any necessity for the intervention of the Federal authority in Alabama to preserve peace and order in that State, or do you believe that the people of the State are capable of self-government and the management of their own internal affairs? I mean the masses of the people.

A. Yes, sir; I think they are. Do not understand me now that I am in favor of abolishing Federal courts. I am in favor of the Federal courts to enforce any of the laws that Congress has or shall pass.

Q. Do you believe that fair elections can be held in that State without the intervention of Federal authority?

A. I do. I mean by that, just as fair as in Illinois. I do not believe that many elections are what is termed in its true sense fair. I think there is shenanigan on all sides.

Q. You think it is just about as it is in many of the other States of the Union?

A. Yes, sir.

Q. Do the negroes, as a general thing, vote one ticket?

A. Yes, sir.

Q. Do you believe that if the negroes were let alone and permitted to vote as they might wish, without the interference of politicians on either side, that it would better the condition of the people of that State?

A. Yes, sir; I should think it would. I think that the State would be better off if the negro vote was divided, because I think that lots of whites would come to our party.

Q. Then I understand from that that certain politicians of the republican party who make politics a business rally the negroes as a mass, and by that means the whites are forced as a mass, almost, to oppose them; whereas if the negroes were let alone to pursue their own course and to form their own conclusions they would divide their vote, and by that means the white vote would be divided and a different state of affairs would ensue.

A. Yes, sir; I think that the rule of political economy, that labor will follow the hand that feeds it, would show itself in Alabama were it not for a large amount of political machinery which keeps labor massed on one side.

Q. Do you know who controls the political machinery to keep the labor massed?

A. I think I do.

Q. Please state?

A. I think it is the leading republicans in each county who control that.

Q. Do you mean by that leading republican politicians—men who make it a business to follow politics?

A. Yes, sir; by the term leading republican I mean politician, who lives on politics and nothing else.

Q. Does not a great deal of this political excitement grow out of the massing of the colored vote, creating an excitement on both sides, then excitable men on both sides create riots, whereas the peaceable and well-disposed part of the community take no part in it?

A. Yes, sir.

Q. It simply grows out of riots, as you have in any election in any other State in the Union?

A. Yes, sir; that is so.

Q. Are not the white people of Alabama, both democrats and republicans—those who are following a legitimate business and including those republicans who go there with a view to better their condition by engaging in business—are they not kindly disposed toward the negro; do they not desire to see him educated, and to give him all the rights which are guaranteed to him by the Constitution?

A. I think that is so; yes, sir.

Q. From your observation, are not the white democrats of Alabama, the property-holders of that State, anxious to educate the negro and fit him for good citizenship, and to see him employed in business pursuits?

A. Yes, sir; I should say that they are. We occasionally come across some blathering, noisy fellow who does a heap of talking, but he is the exception and not the rule, by any manner of means.

Q. You say that you have been for some years in Alabama, and that you have never been ostracized, but have been treated kindly by all parties?

A. Yes, sir.

Q. You are an outspoken and avowed republican?

A. I am, and always have been. I have taken part in every canvass in Alabama, more or less, since I went there in 1868. I do not think there has been a canvass but what I have made one or more speeches. I only made one in the last election; that was at Selma, on my way down from the North, before the election. I have been treated just as kindly in that relation as I ever was in Illinois. I do not think there was a canvass in Illinois for the fifteen years I was there that I did not have a hand in the county where I resided, so far as making speeches was concerned.



Q. Do you anticipate any more trouble in Alabama now, taking into consideration the present state of affairs politically, than you would anticipate in Illinois or any other Western State?

A. I do not.

Q. If the people are let alone, then, do you believe that the State government will be carried on and the peaceful relations existing between the people be just as good there as they are in Illinois or any other State?

A. I do; yes, sir. The change from slavery to freedom of the black men, the poverty that fell upon them by the result of the war, the large debt resting upon the State, the hard times, failure of crops caused by one thing and another, a flood or a drought, as the case may be, all tend to prolong that good time; but, sir, it will come, in my judgment, in the history of that State, as surely as that the State stands as a State.

Q. Do you believe that your opponents, the democratic party of that State, are anxious to bring about these good times in that way by guaranteeing to every man his rights under the Constitution?

A. They say they are, and while the democracy had the State government, under Lindsey, who as an executive was something of a failure in the estimation of everybody, I saw no reason to doubt that. They had it two years. They have it now solidly in most of the principal counties of the State.

Q. Since they have organized the Legislature under the present democratic association, during the last two months, have they passed any act detrimental to the interest of any class of people?

A. No, sir; nor even to the republican party. A great deal was anticipated of re-districting the State, and a new convention, and new constitution; but they have done nothing of that kind, and have been in session two months and more. I do not think they are going to do so, although they may.

Q. To all appearances, have they been laboring for what you believe to be for the best interest and welfare and prosperity of the people of the State?

A. I should think they had. They are trying to cut down salaries and get rid of the officers that are unnecessary and seem to be economizing. I do not know to what extent. I am not in Montgomery. I only watch the morning papers to see what they have done the day before. It is a singular fact that the democratic ticket elected was made up entirely of the anti-secession men of the State, men who were opposed to secession, and fought it until it came on, and then went with their State. That seems to be the spirit in Mobile, for instance. In their city government they have just got possession from the election in December, and seem to have overslaughed all who were known as original secessionists in making up their ticket, and by the taking mainly of young men. There are many young men on that ticket who run that city and county government. All their officers are young men. Their probate, city judge, circuit judge, are all considerably younger than I am. They excluded, or, in other words, they took that class of men who did not labor or could not have labored under any of the disabilities imposed by the fourteenth amendment.

Q. They seemed, then, to take what was known as original anti-secessionists?

A. Yes, sir; whenever they took men of mature years. The present governor, Houston, was known all over the State as a very bitter anti-secessionist.

Q. So that the action of the democrats in that State has been toward amity and good relations with the whole Government?

A. Yes, sir.

By the CHAIRMAN:

Q. Something was said about the laboring men of that State being kept solid on the republican side by the politicians. Do you say that it is done by trickery, and that it is not the genuine sentiment of the colored people of the State to be on the republican side?

A. No, sir; I do not. I think the natural inclination of the colored men is to be the republican party, but I think there would be a breach were it not for the leaders. Q. What are the tricks or the devices of the republican politicians by which negro men are kept, contrary to their will, in the republican party?

A. I have not examined them all, for I do not know them all; but I think I could answer you better by saying by the same usual artifices that the same class of intelligent voters in the city of New York, with its democratic majority of forty thousand, is kept together. First, by getting them a place here and a place there, and sending them this thing and that thing and the other thing. I have every reason to know that a good many of the workers in a canvass will be rewarded when the term of a court comes in. While I was district attorney fifty witnesses were subpoenaed to come down to Mobile. That would be done for a holiday trip to see the show of New Year's, and they would draw seventy, eighty, or a hundred dollars for mileage, per diem, and one thing and another.

Q. Did you have that done?

A. No, sir; but I could not stop it. Since I went out of office the Attorney-General has established a rule that no witness can be got for the United States except on the written application of the district attorney; but then it was not the rule. A, B, or C could get a subpoena in behalf of the United States for Tom, Dick, and Harry to come down as a witness, and the Government would pay them for their trip.

Q. That abuse has been corrected?

A. Yes, sir; nearly a year ago. That was not one of the tricks, but that was one of the means I was satisfied was used simply to fix the fellow up for the work he might do in his beat. He wanted a trip to Mobile; he wanted to come during the holidays. We have had them down there like locusts; we have had the halls, when the grand jury would be in session in holiday weeks, black with them, and would have to sit with the grand jury until eleven or twelve o'clock at night to get rid of them. They would come in and state what they did not know, not what they did know, for they did not know anything at all about the matters which they pretended. I had that to go through with at least two or three terms.

Q. How many terms did this take place?

A. Three terms.

Q. What years?

A. The winter of 1869, 1870, 1871, and 1872.

Q. Did you ever remonstrate against that to anybody?

A. No, sir.

Q. Why did you not?

A. I do not know why I did not. Because there was nobody to remonstrate to. I would frequently say, "Where in the name of common sense did these men come from? Who had them come?" But nobody knew! They were regularly subpoenaed, and had their subpoenas with them.

Q. You said there were not a hundred men in Alabama who were not either office-holders or office-seekers who were republicans?

A. I say whom I ever met.

Q. You said you believed they could have a fair election in Alabama without the presence of the Army. Do you mean to say that as applicable to every place in Alabama?

A. Yes, sir. I mean to say that that is my judgment.

Q. Do you think the colored men can, without intimidation or terror, vote freely any ticket they desire in every part of Alabama?

A. I think that they can. I do not say that they can, and do not want you to understand me that way. I do not give it as an opinion of an expert, but I think they can.

I also call your attention to the testimony of Mr. BROMBERG, a liberal republican member, and Mr. CALDWELL, a democratic member

from Alabama, both of whom corroborate the testimony of Mr. Southworth.

I will dwell no longer upon the Alabama testimony. It shows conclusively that the riot and bloodshed in that State are not wholly traceable to the democracy, and that the whole scheme of securing Federal interference was gotten up by the leaders of the republican party in manufacturing outrages that did not exist; or where they did exist, it was only in the camps of the republicans. For what purpose this scheme was concocted, is known to every one.

Neither the republican governor nor any State officer had called for troops. The campaign was being conducted in as orderly a manner as campaigns in other States. Political excitement ran high and the prospects were that the republican ticket would be defeated. Mr. HAYS seeing what the result would be, and that his defeat would be accomplished if left to the people of the State, determined upon presenting such a statement as would show to the Administration the necessity for Federal interference. (See testimony of Dew and Abrams.) Without regard to the true facts of the case, with an eye single to the interests of his own party and himself, the letter to General HAWLEY was written, in which the people of Alabama were treated as outlaws, murderers, and guilty of every crime known to humanity. The result was what he asked for. Soldiers were sent to Alabama to carry the State for the republican party.

Why did not the committee call Mr. HAYS? He had preferred his charges; why was he not made to prove them? Simply for the reason that he could not, and simply for the reason that they dared not, knowing that the charges were false and without foundation and that a cross-examination would elicit such falsity. The same page that will hand down the history of the trials, sufferings, and virtues of the gallant sons and daughters of Alabama will also contain the name of CHARLES HAYS; but in what connection? The same page that tells the trials, sufferings, and crucifixion of our blessed Saviour conveys to us also the character of him who betrayed Him.

There are some men who to-day oppose the South and favor its oppression who but a few years ago were the loudest in denouncing every principle emanating from northern people. The only man in the Alabama Legislature who opposed the adoption of the thirteenth and fourteenth amendments to the Constitution is to-day a republican member from that State, and one of the most active supporters of the obnoxious bill now before this House.

In a speech delivered in the Alabama Legislature on the 20th day of September, 1865, in which he evinced the most bitter antagonism to adopting the amendments which gave the right of suffrage to the black race, Hon. ALEXANDER WHITE said:

The great democratic party is marshaling its hosts for the approaching presidential contest. Democratic victories come to us whenever we hear of a contest in which political issues are presented to the people.

The South needs no eulogy, and when I raise my voice or lift my hand against her may the live thunder rive me where I stand. Though I be false in all else, I will be true to her. Though all others prove faithless, I will be faithful still.

These are the past and prophetic utterances of the gentleman from Alabama as late as 1868; the first to urge a white man's government; the first to advocate a war of races; the only man to oppose a ratification of an amendment which gave the rights of citizenship and suffrage to four million colored people. If these people err to-day, such men as those I have mentioned were the first to sow the seeds of discord and dissension; the first to lead their party, and forgetting the principles they have advocated, seek now to oppress their friends, neighbors, and kinsmen by a measure which takes from the people their liberty and makes them the creatures of an administration bent on accomplishing its own purposes at the expense of a nation's ruin.

Before closing my remarks on Alabama affairs, I have a few words to say of a man who, claiming to be a Christian, and a member of the Methodist Church, needs a passing notice. I allude to "J. G. Hester," a spy, an informer, and a tool of the Attorney-General, "who invokes God's blessing on everything he does, night and morning." Disguised as a tobacco and brandy peddler he went through the State of Alabama deceiving the people, and inciting the whites and blacks to riot in order to make a case for the Government and secure Federal interference in order to carry the State for the republican party.

I append a few extracts from his testimony as showing the character of this professed Christian. On a cross-examination by Mr. BUCKNER, relative to the manner of obtaining testimony, the following was testified to by Hester:

Q. Did you talk to the merchants here about the Ku-Klux, and all that sort of thing?

A. Yes, sir; I carried plugs of tobacco in both pockets, so that they could see I was a peddler. My main object was to talk with them, to get acquainted with them, and find out what they were up to. I did not care whether I sold any tobacco or not.

Q. You spoke to them, saying how you had carried the election in North Carolina by killing negroes?

A. Yes, sir; politics seemed to be the only topic there at the time.

Q. Your object was to deceive them?

A. Yes; for a time.

Q. You told them lies for the express purpose of getting into their confidence, did you not?

A. I told them what I conceive to be deceptions. You can call them lies if you choose. I did not mean them as lies; I meant them for good. Afterward told them, "Now, gentlemen, I take all the deception back. I only did it for the good of the country, of the people, and of your community."

Q. You did evil that good might come?

A. I do not consider that that was evil. I am a member of the Methodist Church.

I do not want to do anything wrong. I try to do right. I invoke God's blessing on everything I do, night and morning.

Q. And yet you lied to them?

A. I lied, if you like to call it a lie.

Q. Do you call it a lie?

A. I do not. It is not such a lie as one would tell to the injury of an innocent person.

Q. You think you were telling the truth, then, when you were telling this?

A. Yes, sir; I think it was the truth in the eyes of God.

Q. Not truth in fact, but truth in the eyes of God?

A. I believe it was truth in the eyes of God, for the purpose of finding out who these murderers were; and I used deception and used the same weapons of deceit they used in order to find out their evil deeds.

Q. You profess to be telling the truth now, do you?

A. I do.

Q. What guarantee or assurance can you give us that you are telling the truth now more than you gave to those people?

A. I feel the higher obligation, now, sir.

Q. In what does that obligation consist?

A. That obligation consists now in the oath I have taken here to tell the truth; that it may go out to the people, that the people may be convinced of crime, murder, and all sorts of outrages being committed in Alabama.

Q. Is the obligation to tell the truth any greater now than it was to tell the truth at all times?

A. Yes, sir; the very highest obligation that could rest upon a man rests upon me now to tell the truth.

Q. Then it did not?

A. Yes, sir; the obligation that I had then was to my Government, to find out the truth; and in order to do so I had to deceive those people.

Q. By falsehood and deception?

A. By deception.

Q. By falsehood and lies?

A. If you choose to call it lies, I have no objection.

Q. You mean to say, then, that if it was necessary to subserve the ends of Government, you would commit murder, would you not?

A. No, sir.

Q. Why not?

A. Then I would be injuring somebody; but I would not be injuring any one in trying to catch criminals who are murdering the people there. If I went there and told them I was a Government agent, and that I had come to find out who had killed Ivey, I could not have found out anything at all.

Q. You believe that a large majority of those who have negroes employed upon their plantations, and who must look to the negro to cultivate the soil, believe in murdering these negroes?

A. I do not believe they want to murder the negro if the negro will do as they want him to do, and vote their ticket. That seems to be the only conflict.

Q. You were traveling around there as a spy or detective of the Government, or a Government agent—call it what you please—practicing deception and worming yourself in to ascertain the private sentiments of the citizens. Did you at any time advise them to drive these negroes away and to kill them?

A. I encouraged them in their way of talking.

Q. You encouraged them in their evil ways?

A. I encouraged them in their way of talking in order to get at their true sentiments, and to find out which particular individuals were doing these things.

Q. When you were going about doing this thing did you see any particular democrats in either of those counties beating and abusing negroes or driving them away from their premises?

A. I stated in my direct examination that I saw this large armed body of men at Belmont, and they told me they were hunting negroes. I saw them flourishing their guns, some were galloping, and they were hurrahing, "We'll get the damned niggers yet."

Q. Were you in company with white democrats and negroes at the same time?

A. Only at Belmont. They had six negroes there in a carriage-house held as prisoners.

Q. For resisting the sheriff?

A. No, sir.

Q. For what?

A. They did not say. They said they were some whom they had picked up down in the woods. I saw the negroes afterward. They said they were arrested, and compelled before they were released to make an oath, which they knew was false, with guns pointed at their heads. They were compelled to swear that they were hiding in the woods to keep away from Bob Reed, and that Bob Reed wanted to conscript them into his army to fight the whites. They said that that oath was totally false, and that they took it through fear that they would be killed if they didn't do so.

Q. Did you see any of those planters or did you hear of any of those planters beating or maiming negroes or driving them away from their plantations?

A. I did not see them doing it, but I saw the negroes with bruises on them and with the blood running out of their bodies.

Q. And you were going on and encouraging this thing all that time with a view to gain the facts?

A. Yes, sir; but if any one had come to me and said "We are going to kill a negro to-night" that negro would not have been killed.

Q. Still you were encouraging them to do this thing?

A. I did not particularly encourage them to kill negroes. I said "We have carried the election that way," and they said "We are going to carry it that way too."

Q. That was your idea of a Christian spirit?

A. Anything to find out a deep-seated crime against the citizens of the Government.

Q. Did you practice that when you became a captain of a blockade-runner, and also an officer of a rebel cruiser?

A. When I joined the confederate navy I joined it as honestly as I joined the service of the North. I found out my mistake after I had been in the confederate service.

Such is the testimony of a man who admits he prompted the people to do wrong in order to make them do right; that he both lied to and deceived them and urged them to commit crime. This is the testimony of a man professing to be a Christian. There is a place where good Christians never go, full of such men as Hester.

Sir, there is one other witness I should mention, Galtiel, who swears that he was the correspondent of the New York Times. A gentleman near me asks who he is. He was a man who went to Alabama from the State of Missouri, obtaining money under false pretenses, as I have letters here to show. His face would "decorate any rogue's gallery," and his own testimony shows that he lived and associated with the lowest in the land. I will be charitable enough to say that the paper which published his false telegrams and dispatches had never seen its correspondent; for if it had it would never have published them.

The gentleman from Alabama intimated last night that one of the members of the minority of the committee had been in the rebel army.

If the gentlemen referred to me, let me tell him that I was not in the rebel army; that at the time referred to I was a member of the Legislature of my State, and that I voted for every dollar that was asked in my State to pay the soldier for services rendered in the maintenance of the Union; that I voted for the ratification of the thirteenth and fourteenth amendments which struck the shackles from four million slaves, and I am proud of that vote. I believe in educating the negro and making him a good citizen; and as long as I can raise my voice or exert any influence, my efforts shall be directed to their elevation, but not at the degradation of the white men.

It may be admissible for me to ask where was the gentleman from Alabama when I was maintaining the cause of the Government and the integrity of the nation? I answer, sir, that he was trying to trample under foot and destroy the best government on the face of God's earth.

I am a democrat, and I am proud of it. To be a democrat is to stand by the Union and the Constitution, to protect all alike, to grind no man or set of men to the dust. That is democracy, and those are the principles under which this Government will be administered under the rule of the democratic party. To the people of Alabama and of the entire South I would say be firm, forbearing, and forgiving. The night of your agony will soon pass away, and the day will bring with it gladness. The people of the North have heard your lamentations. The cry has been taken up all over the land, and millions of hearts sympathize with you. Be just and patient. Cultivate a kindly feeling among you and for your conquerors; bury all animosities, and in time the dark cloud will lift and the glorious sunlight of prosperity and happiness will dawn upon the entire people of the South.

With a few remarks on the condition of affairs in Louisiana, Mississippi, and Arkansas I will close.

#### LOUISIANA.

From the report on the condition of affairs in the late insurrectionary States I quote the following as showing the debts and liabilities of the State of Louisiana:

<i>Debts and liabilities.</i>	
In 1861.....	\$10,099,074 34
In 1868.....	14,347,051 62
In 1871.....	41,194,473 91
Excess of expenditures over receipts 1871.....	9,345,733 00
Percentage of increase, 1868 to 1871, 200.	
<i>Tax levy.</i>	
In 1860.....	4,960,780 00
In 1870.....	6,490,028 00
Percentage of increase in ten years, 50.	
<i>Property valuation.</i>	
In 1860.....	435,787,265 00
In 1870.....	251,296,017 02
Percentage of decrease in ten years, 50.	

In connection with the general condition of the South, I quote from the same report:

It will thus be seen that while the assessed value of the taxable property in the eleven States of the South has been reduced from \$4,333,757,942 in 1860 to \$2,026,440,971 in 1870, being a loss of \$2,307,306,971, or over \$300,000,000 more than now remains, the State taxation on what those people now have was in 1870 \$12,813,615, while it was \$8,165,486 in 1860, when their affairs were managed by their own people; and the county taxation in 1860, on all the property they then owned, was only \$3,115,154, while now, under carpet-bag and negro rule, it is \$14,208,630, or \$11,183,446 more on the remnant still in existence than it was on the whole property when the war began.

In view of the enormous debt which has been wantonly, corruptly, and fraudulently heaped upon a people as poor as the last census report shows the people of the South to be, with five-eighths of their property gone and the taxation on the remnant nearly fourfold as much as it was on the whole when their affairs were honestly managed, it is to be expected that these States will have either love or respect for the men or the party by whom they have thus been plundered!

I appeal to my republican friends of this House to ponder well before you heap further oppression upon these people, as proposed by the iniquitous bill now under consideration.

The people of the South, in many cases, are without the necessities of life. Squalid poverty and want greet you on every side. Oppressed by taxation, despoiled by political adventurers, and feeling that no relief is at hand, will you still continue their misery and destitution, by passing a measure which adds to their oppression and degrades them in the eyes of the civilized world?

I appeal to my friends from the great Commonwealth of Massachusetts, whose people struck the first blow against oppression and for civil liberty, to apply the golden rule, and "do unto others as you would have them do unto you."

I appeal to all the Representatives of the States of the North, the East, and the West to abstain from further oppressive acts which grind out the liberty, the manliness, and the energies of the South. Her condition is to-day without parallel in the world's history.

Let us take pattern from the Romans, who, though grasping for dominion, never degraded those whom they conquered, but on the other hand sought to elevate them so that they might in time become good citizens.

We complain of the wrongs of Ireland, suffering under British rule, with British spies and informers scouring the country, hunting down Irish citizens and thrusting them into dungeons on mere suspicion and imaginary offenses. We point to downtrodden Poland. Yet, Mr. Speaker, we have a people suffering greater wrongs within our own borders. We have spies and informers, we have Hester and



Beach and hundreds of others sent by the Attorney-General, urging people to commit offenses, inflaming the people of the South against the Administration, entering houses, seizing respectable citizens without regard to age, marching them off hundreds of miles to be tried on imaginary offenses, and after being kept in prison for weeks without trial, cuffed, beaten, and in every way insulted, turned loose like dogs, without even knowing for what they were arrested.

These are the men who create your outrages which regale the northern mind through the columns of the radical press.

And for what purpose is this done? Simply that riot and bloodshed having been incited by these spies and informers, the Administration may have some excuse for Federal interference.

Contrast the language of the dispatch of Major-General Winfield S. Hancock in 1867 with that of Lieutenant-General Sheridan in 1875 on the condition of the South:

SHERIDAN—HANCOCK.

*Lieutenant-General Sheridan to the Secretary of War, dated Headquarters Military Division Missouri, New Orleans, Louisiana, January 5, 1875:*

I think the terrorism now existing in Louisiana, Mississippi, and Arkansas, could be entirely removed and confidence and fair-dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a law declaring them banditti, they could be tried by military commission. This banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburg, Mississippi should, in justice to law and order, and peace and prosperity of this southern part of the country, be punished. It is possible that if the President would issue a proclamation declaring them banditti, no further action need be taken except that which would devolve upon me.

*Major-General Winfield S. Hancock's General Order No. 4, on assuming command of the Fifth Military District, dated New Orleans, Louisiana, November 20, 1867:*

The general commanding is gratified to learn that peace and quiet reign in this department. It will be his purpose to preserve this order of things. As a means to this great end, he regards the maintenance of the civil authorities in the faithful execution of the laws as the most efficient under existing circumstances.

In war it is indispensable to repel force by force, and overthrow and destroy opposition to lawful authority. But when insurrectionary force has been overthrown and peace established, and the civil authorities are ready and willing to perform their duties, the military power should cease to lead, and the civil administration resume its natural and rightful dominion. Solemnly impressed with these views, the general announces that the great principles of American liberty are still the lawful inheritance of this people, and ever should be. The right of trial by jury, the *habeas corpus*, the liberty of the press, the freedom of speech, the natural rights of persons, and the rights of property must be preserved.

The one gratified to learn that peace and quiet reign in Louisiana, the other declaring the people "banditti" and advocating a trial by military commission. The one using military force subservient to the civil authorities, the other subserving the civil power and laws of the State to the military.

In addition to these dispatches, I call your attention to the able statement and report of Colonel Morrow, and indorsed by the gallant General Sherman.

I also call your attention to the report of the proceedings of eminent clergymen of Louisiana denying the statements of General Sheridan, and to the people not only of Louisiana, but northern Union men and soldiers, who class his dispatch as infamous.

I also call your attention to the report of the committee of this House, composed of Messrs. PHELPS and FOSTER, republicans, and POTTER, democrat, in which they unite in giving the libel to the report of General Sheridan, and confirm the statements of the white citizens of Louisiana.

To General Sheridan's gallant actions during the war I accord all praise, and gladly would I erase from my memory the act which has stigmatized and disgraced him in the eyes of the civilized world. Backed by Casey, Kellogg, and other men whose names are infamous in the history of Louisiana politics, he directed his soldiers to enter the legislative halls of that State and displace men who were lawfully elected. What is there to prevent the military authority from entering this legislative body and displacing you, Mr. Speaker, or any other member of this House? Nothing whatever.

The policy of the country has been changed. War, with its desolation, rapine, and plunder has hardened the hearts of the conquerors. In former times spies were not a part of our Government. Every man's house was sacred. The Government was composed of statesmen, who studied the wants of the people, and sought not to adopt measures which degraded them. The Army was the instrument in the hands of the people; now the people are the instruments in the hands of the Army. In former times the Army obeyed the commands of its superior officers; now it is commanded by United States marshals. Formerly it was subordinate to the civil power; now "every branch of civil business is subject to the direction and supervision of military laws and military men."

To-day Louisiana is without a republican form of government, and under the tyranny of a usurper, whose name is a synonym of all that is reeking with corruption and crime. "Ignoble villain, fatiguing public indignation, buoyant solely with corruption, he only rises as he rots."

Can we expect good government under such a tyrannical usurper or such a condition of affairs as I have stated? I opine not. The great reform that is sweeping from ocean to ocean brings with it the only remedy. The people are the doctors. They have risen from the hills and the valleys, from the home of the rich and the lowly, from the

counter and the workshop, from the factory and the field, and have proclaimed in thunder tones that the war of oppression must cease; that the men who have gone back upon their record must stand aside, and that the North, the South, the East, and the West must be one united country, one people, and one government.

As a further evidence of the fact that the southern people are willing to abide by the laws, I call your attention to the fact that in 1865 President Johnson sent General Grant on a tour of inspection through the Southern States. On the 18th day of December, 1865, General Grant submitted his report, in which he used the following language:

I am satisfied that the mass of thinking men of the South accept the present condition of affairs in good faith. My observations lead me to the conclusion that the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing they want and require protection from the Government; that they are in earnest in wishing to do what they think is required by the Government not humiliating to them as citizens, and that if such a course were pointed out they would pursue it in good faith.

These were his conclusions in 1865, after making a thorough tour of the South. These were his conclusions as a gallant soldier and honest man, without partisan influence or prejudice. He was not then deceived or advised by the fourth-rate pettifogger who now occupies what should be the most exalted and dignified position in the land, that of Attorney-General, nor by those whose sole object is to degrade, abuse, and destroy the southern people.

In common with all American citizens I honor General Grant as a brave and gallant soldier, nor would I pluck one laurel from his brow for the service he has rendered; but in his subsequent career as President he seems to have lost that love for one portion of his people which a wise, generous, and prudent ruler should entertain.

Surrounded by men whose sole object is self-aggrandizement, he has listened to their counsels and not heeded the wail of despair that has risen in one mighty throng from the southern people. I appeal to him as President of this great country to heed it now; to listen ere it becomes too late; to study the wants of the southern people; to abstain from his Long Branch pilgrimage and during the coming spring and summer to visit the South, consult with and advise her people, and satisfy himself outside of all party advisers that the people of that section are willing and earnest to restore prosperity and happiness and live once more under the old flag.

I appeal to him in the name of the South, for the sake of her desolated homes, for the sake of her destitute people, for the sake of the Union which he fought to keep together, that he may without pomp or ceremony visit these people and thoroughly examine the condition of affairs now existing, noting on the one hand the general destitution of the whites and blacks in Alabama, South Carolina, Louisiana, and other States under carpet-bag rule, and on the other hand the flourishing, prosperous, and happy condition of Texas, North Carolina, Missouri, Georgia, the Virginias, and other States controlled by their own State governments and home rule.

Let him examine the State of Alabama, with a climate unsurpassed by none in the Union, a soil teeming with richness, with immense water-power, mineral resources, and all that tends to wealth and prosperity, and ask the reason for her destitution.

Then let him turn to Georgia, with no better advantages than her sister State, and ask the reason for her prosperity. The answer is, home rule; the State governed by people conversant with its wants, by people who seek to elevate, not to degrade; a people who, having seen the ill effects of bad government, have determined to destroy all that tends to evil, and substitute all that tends to wealth and prosperity.

Then let him look to South Carolina, and ask the reason of her destitution. Turn then to North Carolina and see her teeming with prosperity, while South Carolina lies prostrate. Let him look to Louisiana, with her every industry paralyzed, and ask the reason for her degradation. Turn then to Texas, with her wealth and industries, with a State debt almost liquidated, with her people rich and prosperous, and ask wherein lies this prosperity. Home rule, and the States governed by their own intelligence, will be the answer.

I will not, as others have done, appeal to the prejudices of the North, but rather to the intelligence and kindly feelings of all good citizens. Let those who doubt that prosperity comes with self-government, not with Federal bayonets, institute visiting committees composed of representatives of the mercantile, mechanical, and agricultural interests to visit the South and ascertain wherein lies the disease. Unbiased by prejudice, with a determination to learn the truth, such committees would return to the North convinced that the southern people were in earnest in the work of reconstruction, and that they only ask what is accorded to the States of the North, that they may be governed by the intelligence of the people and not by men whose sole object is to despoil and degrade them.

I appeal to you, Mr. Speaker, as the leader of this House and as one who has the interests of his country at heart, and to my honored friends Mr. KELLEY and Mr. HAWLEY—three of the great representatives of the people—that you visit the South and learn the true condition of affairs, and having satisfied yourselves of the wrongs under which she suffers, that, unbiased by partisanship, you inform the people of the North that the republican party has wronged a just, brave, and generous people, who are struggling under adverse circumstances to regain a foot-hold in the sisterhood of States. Give to the South a republican form of government as guaranteed by the Constitution, and wealth takes the place of poverty, industry of idleness, virtue

of vice. Once more the southern ports will be crowded with the cotton-boats, and the mill and the loom send forth their cheering sound. Once more the Union will be cemented in solid bands, and the men of the North and the men of the South will rekindle the old friendships and bury forever the animosities and hatreds of the war, which but for bad government would long since have been forgotten. Turning now from Louisiana, I ask your attention to affairs in another State, now under carpet-bag rule.

## SOUTH CAROLINA.

From the proceedings of the tax-payers' association of South Carolina I cite the following facts, as showing the indebtedness and expenditures under carpet-bag rule:

Property valuation.	
In 1860.....	\$490,000,000
1870.....	170,000,000
A decline in thirteen years of 67 per cent.	
Tax levy.	
In 1860.....	\$500,000
1873.....	2,700,000
An increase in thirteen years of nearly 500 per cent.	
Legislative expenses.	
In 1860.....	\$40,000
1873.....	291,000
An increase in thirteen years of nearly 700 per cent. The public printing for sixty years aggregated \$400,000, or an annual average of \$6,666.	

Now mark the difference under republican rule, as shown by the following table:

Public Printing.	
October, 1870, to October, 1871.....	\$134,151 44
October, 1871, to October, 1872.....	215,129 86
October, 1872, to October, 1873.....	331,945 06
Undrawn appropriation.....	118,054 34
Extra session 1874.....	125,000 00

Total for three years..... 924,281 30  
or an annual average of \$308,093.76. In other words, the expense of public printing for three years under the reconstruction acts was \$500,000 more than the expense for sixty years under the administration of the citizens of South Carolina before the war.

I need only add, in further evidence of the vandalism and speculation which governs that State, that under the rule of her own citizens from September, 1868, to October 31, 1870, the cost of public printing was but \$43,400, or about \$21,000 per year.

From October 31, 1872, to November 19, 1873, the date of the act authorizing the issue of certificates to the Republican Printing Company, certificates of indebtedness receivable for taxes were actually paid for public printing to the enormous sum of \$575,000, while the total revenues of the State for the same period, according to the State treasurer's report, were but \$1,719,728.

Before the war the annual legislative expenses were but \$40,000. Now they amount to \$300,000, or more than 700 per cent.

The annual stationery bill of the Legislature before the war was but \$400; now it amounts to \$16,000, over 4,000 per cent. And yet, according to the republican theory, South Carolina, Louisiana, Mississippi, and the other Southern States now under carpet-bag government, are the best governed States in the South; but, thank God, that theory has been dispelled by facts so palpable that even the worst partisan must acknowledge the ruin which the republican party has inflicted upon the South.

Turning to the report of the Joint Committee on the Condition of the South, Forty-second Congress, (*Congressional Globe*, volume 2, page 1239.) I find that while the people of South Carolina are struggling for bread, the rate of taxation has been increased under the new constitution twenty times greater than before the war, and this in spite of the fact that property has decreased in value nearly 100 per cent. and that large tracts of land were sold by the sheriff for less than the amount of taxes resting thereupon.

To show the amount of taxes paid by those who, under carpet-bag rule, originated and carried out the scheme of oppressive taxation, I cite the following:

The State government consisted of seven whites and one colored man, the latter having the paid office of least profit.

The amount of taxes paid by these distinguished gentlemen is not only interesting, but instructive. For instance:

The governor pays.....	None.
The Secretary of State pays.....	None.
The comptroller-general pays.....	None.
The treasurer pays.....	None.
The attorney-general pays.....	None.
The superintendent of education pays.....	None.
The lieutenant-governor pays.....	\$15 99
The adjutant and inspector general pays.....	1 00

Total..... 16 99  
Thus the 8 members of the State corps pay of taxes on an average..... \$2 11

Of the State Legislature, composed of 57 whites and 98 colored—

Ninety-eight colored men pay.....	\$143 74
One colored man paying.....	84 65

Hence 97 colored men pay..... 60 09  
Or less than 70 cents each.

Fifty-seven white men pay.....	\$491 49
Eleven conservative white men pay.....	194 43

Hence 46 whites pay..... 297 06  
Or less than \$7 each.

Of these 47 whites 24 pay no taxes, and of the 98 colored 67 pay no taxes; while of the entire Legislature 85 members' names are not to be found upon the tax-book.

Is not this a sad commentary on our boasted form of government. A Legislature composed of men who do not represent a single interest of the State, who create taxes but pay none. The war ceased ten years ago, but oppression did not. To-day the lands of the South are uncultivated, the houses tumbling, the homesteads deserted. The South appeals to you to cease this vandalism, to lift from the hearts of its people the great burden which is placed upon them; and the people of the North and the West have risen and demanded that you shall cease. The handwriting is upon the wall, and yet you heed it not.

In spite of entreaty, in spite of demand, oppression is still the watch-word of the Administration. Power has blinded the vision, corruption has hardened the heart. "Woe unto the world because of offenses! for it must needs be that offenses come; but woe to that man by whom the offense cometh!"

One more comparison, and I am done with the affairs of South Carolina. By referring to the *Congressional Globe*, second session Forty-second Congress, page 435, I find the cost of maintaining certain State governments, and to which I especially call the attention of members of this House, as showing the vandalism and speculation which I have before referred to:

Statement showing the amount appropriated for executive officers, printing, advertising, and contingencies by the following States during the year 1871, and by the District of Columbia for the fiscal year ending June 30, 1872; also population and number of square miles in each.

States.	Population last census.	Square miles.	Salaries of executive officers.	Printing and advertising.	Contingencies.	Total.
New York.....	\$4,387,464	47,000	\$139,550	\$175,000	\$19,200	\$323,750
Maine.....	626,915	31,760	65,133	35,000	17,400	117,533
New Hampshire.....	318,300	9,280	12,341	9,830	2,099	24,270
Massachusetts.....	1,457,351	7,800	234,205	98,531	30,300	363,036
Rhode Island.....	217,353	1,300	16,908	3,500	Included.	20,408
Connecticut.....	537,454	4,670	59,800	98,875	do.....	156,675
New Jersey.....	906,096	8,320	46,187	82,625	7,656	136,468
Ohio.....	2,665,260	39,960	73,275	75,300	13,250	183,925
Wisconsin.....	1,064,985	53,920	65,963	54,569	17,008	137,540
Iowa.....	1,192,092	55,040	41,205	49,495	22,433	113,133
Illinois.....	2,539,891	55,410	26,753	50,000	39,108	115,861
District of Columbia.....	131,700	60	449,220	143,635	200,000	792,855

Now, taking the legislative expenses of South Carolina for 1873 at \$291,000, and public printing at \$331,945.66, the two items make \$622,945.66, or nearly 100 per cent. more than the entire cost of the State government of New York; while taking the cost of public printing alone for three years in the State of South Carolina, the sum total, \$924,281.30, exceeds the annual cost of the entire State government of the three great States of New York, Massachusetts, and Ohio by \$117,533.

The nearest approach to a like expenditure, and for the same purpose, is in the District of Columbia under the board of public works, whose acts in many respects resembled those of the South Carolina Legislature.

## MISSISSIPPI.

Now, turning from General Sheridan's action in Louisiana, let us follow the military to Vicksburg, where but a few days since they entered the court-house and displaced the sheriff and seated the contestant, without any other formality than that of the bayonet, even denying to the courts of the land, who have constitutional authority, the power to determine the rights of the contestants in such cases.

Discarding all law and precedent, may we not soon expect the military power to enter our courts of justice and displace our judges? God forbid that I as an American citizen may ever witness the day when the judiciary of our land is made but a creature of the military power and our courts are controlled as our Legislatures, by the bayonets of United States soldiers.

Turn now to Arkansas, at present blessed with a constitutional form of government, and the evils of a bad administration cured by the people. An election was held, and Brooks no doubt legally elected governor. But the President decided in May, 1874, that under the State constitution the Legislature had the sole authority to determine contested elections, and that as it had decided in favor of Baxter, he was the lawful governor; and with the aid of Federal bayonets Mr. Baxter was maintained in power.

The same Legislature that decided on the legality of Mr. Baxter's election passed an act providing for a constitutional convention, which met and drew up a constitution which was adopted by the people by 75,000 majority. The committee appointed by this House, with but one dissenting vote, declared the constitution had been lawfully adopted. Yet, the President, at the bidding of McClure and other carpet-baggers, has issued a proclamation or message to the Senate, in which he doubts the legality of the constitution adopted, denouncing it as a "revolutionary proceeding," and asking Congress



to forcibly interfere and displace Governor Garland and place the State government in the hands of the military power.

The President, in other words, disregards and sets aside his decision of May, 1874, in order to satisfy the greed and ambition of a class of men who have devastated and laid waste the energies of the southern people. And yet, sir, the Administration organs have assumed to read each and every republican who raises his voice against these unholy and unlawful acts of the President out of the party, stigmatizing them as traitors and Judas Iscariots.

Messrs. PHELPS and FOSTER, of this House, who were solemnly sworn to perform their duty as Representatives of the people, and who are known over the nation as two of the most promising and talented young men of the republican party, have been stigmatized as traitors simply because they would not lie.

The great and eminent jurist Mr. Evarts has been read out of the republican party because he would not give his adhesion to the interference of Federal bayonets in seating and unseating State Legislators.

Thousands of eminent republicans—statesmen, lawyers, merchants, judges, and men of all professions and callings—are to-day outside of the republican party because they will not sacrifice their honor and their principles to support an Administration whose efforts are directed to crush out and destroy the liberties of the people.

The great press of the nation—the Tribune, the Times, the Nation, the Sun, the Springfield Republican, the Sacramento Union, the San Francisco Bulletin, the Atlantic Monthly, and hundreds of others, whose influence extends from ocean to ocean—have been read out of the republican party because they will not sanction the acts of the Administration.

But who assumes the power to read the people and the press out of the republican party? The Administration journals who are feasting and fattening upon the patronage of the Government, many of them controlled and owned by men whose political affiliations are with the party that bids the highest price.

But, sir, the people will ere long rise up in their majesty, and, completing the work they inaugurated at the last election, hurl from their heights the men who under the guise of republicanism, have blasted and stigmatized the fair name of our nation. It will not simply be an uprising of the democratic party, but of the people of all parties, who will never be enslaved by a military power, nor recognize its supremacy over the civil and judicial power of the Government.

As republicans, as citizens, as men having the interests of your country at heart, I ask you to ponder well before you take a step which degrades a conquered people and forces upon them a measure which deprives them of all that is dear to an American citizen.

Forget not the great boon signed by John, by the grace of God, at Runnymede, on the 18th day of June, 1215, and which has been handed down to us through the ages:

No freeman shall be taken, or imprisoned, or disseized, or outlawed, or banished, or in any ways destroyed; nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers or by the law of the land.

Remember, ere you endeavor to carry this measure through the House, that these people are of our own flesh and blood, sprung from the same race, bound together by the same ties, and living together under the same flag, and worshipping the same God.

Is there no sympathy in your hearts, no tear of pity for men who have sinned but suffered; of women and little ones who, crushed by oppression, homeless, and hungry, ask you to spare them the further iniquity which this bill proposes to heap upon them.

It is written that when the almighty God designed and created man, the angels came in their order before Him and spoke of His purpose.

Truth said, create him not, Father; he will deny the right, deny his obligations to Thee, and the sacred, inviolate truth. O, Father, create him not.

Justice said, create him not, Father; he will fill the world with injustice and wrong; he will desecrate Thy holy temple, do deeds of violence and blood, and in the very first generation he will wantonly slay his brother: Therefore, Father, create him not.

But gentle, loving Mercy knelt by the throne and whispered, O, Father! create Thou man. In all his wanderings I will be with him. In his erring and wayward steps I will follow him, and from his own errors I will teach him the lessons of experience and win him back to Thee.

The great and loving God listened to the voice of Mercy, and created man.

Learn, learn, O man! mercy, if thou wouldst win him back to thee and thy country.

Mr. ELDREDGE. I had hoped to have been able to protest at some length against this, in my judgment, most infamous measure. But such is the condition of my health and lungs that I find I must refrain from doing so. I regret this beyond measure. I would that I were able to press home the inquiry to the most thoughtful and statesmanlike men upon the other side of the House, as they draw back tremblingly as though standing upon the brink of an abyss, why it is that this measure—this war measure—is at the present time, in time of profound peace, urged upon the country? I would like to know why you, Mr. Speaker, with the convictions which you are known to entertain, hold your peace on this occasion and in this hour so full of danger—why you refrain from declaring those convictions and placing yourself on the record for your country and the great

principles upon which it is founded? Why is it that the statesmen on the other side of this Chamber, the men who can rise above the dictation of mere party, do not come to the rescue—those who are unwilling that the *habeas corpus* shall be suspended and lost in our system in the interest of party only—who feel the danger of placing the power to suspend this great writ of liberty in the hands of one man, however pure, good, great, or patriotic that man may be?

Mr. Speaker, gentlemen cannot escape the responsibility, those at least whose convictions admonish and warn them. It is to you and your manly courage the country now looks for salvation. The minority cannot prevent the passage of this bill, they cannot save *habeas corpus* to the Republic without the aid of the patriotic men of the other side.

But I must yield to the gentleman from Mississippi, [Mr. LAMAR.] Mr. LAMAR. Mr. Speaker, I represent in part the State in which some of the occurrences took place that have furnished the occasion for this proposed legislation. An investigating committee has been sent to that State and its report has not been submitted to this House until to-day, and I fear that in the closing scenes of this session I shall have no opportunity to discuss and refute the statements of that report. Sir, as the only member from Mississippi chosen by that portion of the people to be affected by this legislation, I respectfully ask the attention of this House to what I have to say in their vindication.

Mr. Speaker, there does exist in some of the Southern States a disquietude in political affairs which has led to outbreaks of a bloody character, which are unusual in the Northern States and in all the other Southern States, and ought to be unknown in the workings of American institutions. I propose to show that these occurrences do not, as has been charged, arise from any purpose to obtain political supremacy in any State, to any antagonism of race, to any lurking discontent with the amendments to the Constitution, or to any hostility to the Union. I propose to show the precise cause of these disturbances and the remedy for them.

Mr. ORTH. Will the gentleman yield to me for a question at that point?

Mr. LAMAR. Yes, sir.

Mr. ORTH. I understand, Mr. Speaker, the gentleman from Mississippi states that the position of his friends in the South is not one of antagonism on account of race or opposition to the legislation of Congress or to the legislation of Congress under the constitutional amendments.

Mr. LAMAR. I mean to say that the position of the native white population of Mississippi is not one of antagonism on account of race nor of opposition to the new constitutional amendments, nor of resistance to the legislation of Congress under those amendments, and my purpose is to show that whatever of disturbance has existed in that State is owing to entirely different causes.

Mr. ORTH. I hold in my hand a copy of what is known as the vagrant law of his own State of Mississippi, placed upon the statute-book by a Legislature which was pre-eminently democratic—not elected by a single colored voter, for then no colored man had the right to vote. Those laws, in my judgment, were calculated to produce a condition of involuntary servitude more severe than slavery itself. If the gentleman will permit I will ask the Clerk to read those laws, and then I would like in all kindness to have the gentleman's opinion in regard to that legislation. I hope, Mr. Speaker, the House will not regard this as coming out of his time.

Mr. LAMAR. Yes, sir; but it will take many minutes to read those laws, and I should have a corresponding time to answer the gentleman's inquiry. I promise to make a perfectly candid statement with regard to those statutes if time will be given me to do so.

Mr. ORTH. I am myself not able to comply with the gentleman's request, but I hope there will be no objection in this House.

Several MEMBERS, (on the democratic side.) Do not allow it to be read; it will consume your time.

Mr. LAMAR. Yes; let us have the whole truth from beginning to end. The gentleman has interrupted me in the outset of my remarks, to which I do not object, as I have the highest respect for the gentleman from Indiana; but I ought to have time to respond.

Mr. W. R. ROBERTS. I hope, Mr. Speaker, the House will grant the gentleman from Mississippi fifteen minutes.

Mr. LAMAR. I cannot get through all my remarks in fifteen minutes.

Mr. W. R. ROBERTS. Then I hope he may have thirty minutes, or whatever time he may desire.

The SPEAKER. Is there objection to giving the gentleman thirty minutes?

Mr. BARRY. I do, unless the same time be accorded to me to reply.

Mr. ATKINS. The same time will be allowed to the other side.

Mr. W. R. ROBERTS. It is only fair the gentleman from Mississippi should be heard on this question so vitally important to the people of his State. He can furnish information necessary for our action on the pending measure, and we ought to have it.

Mr. PELHAM. I object to any arrangement unless the same time is given to a republican.

Mr. W. R. ROBERTS. Certainly.

The SPEAKER. The gentleman from Indiana will have the same time.

Mr. ORTH. I do not desire it. I wish only to have the opinion of

the gentleman from Mississippi in regard to legislation which I consider as creating a condition of servitude worse than slavery itself.

Mr. CONGER. I insist on the rule being followed until all have been heard.

Mr. CANNON, of Illinois, rose.

Mr. ORTH. I desire to say, with the consent of my friend from Illinois, [Mr. CANNON,] that I was not aware that the time of the gentleman from Mississippi was so limited that my interruption would destroy the whole of it. I regret that his courtesy to me has taken him from the floor, and I do hope there will be no objection on this side of the House to giving the gentleman from Mississippi at least fifteen minutes to answer the question I have propounded, or half an hour if he so desires. I have not participated in this debate and have no desire to do so. But I desire to have the gentleman from the State of Mississippi give an explanation of this most extraordinary legislation.

Mr. DAWES. I think the gentleman from Mississippi [Mr. LAMAR] of all others ought to be heard. If there be anything lacking in this debate it is the views of those who represent that part of the nation most to be affected by this legislation; and it appears to me that if anybody can aid us in this matter it is the patriotic and intelligent and honest representatives from that portion of the country most affected by this legislation. I for one desire that the gentleman from Mississippi may have the floor an hour on this question.

Mr. HAWLEY, of Connecticut. Right.

Mr. PAGE. Yes; give him an hour.

Mr. BUTLER, of Massachusetts. If the gentleman from Mississippi says he took no part in the filibustering movement which kept us here twenty-four hours, I would be glad to hear him.

Mr. DAWES. I do not know about that. I did not take any part in that filibustering movement. But I submit that the need of intelligent legislation now rises from the fact that we have heard more from those who have least to do with that section of the country most affected by this legislation and less from those who represent that section. That has been true of all our legislation in that regard; and I for one desire more to hear from those who are affected by this legislation than I do to hear from that section of the country least affected by it, and which must discuss it more from theory than from actual knowledge.

The SPEAKER. The Chair would suggest to the gentleman from Massachusetts that the gentleman from Illinois of the committee being now entitled to proceed, it is within the power of the House at the end of that gentleman's hour to give the gentleman from Mississippi an opportunity to address the House.

Mr. DAWES. I am asked to make a motion to allow the gentleman from Mississippi to be heard. I cannot make such a motion; the rules control that.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] has been properly recognized as a member of the committee. After that gentleman shall have occupied his hour, it will be for the House to say whether debate shall be closed. If the House shall refuse to close debate, the gentleman from Mississippi [Mr. LAMAR] will then be recognized.

Mr. KELLEY. It might be agreeable to the gentleman from Illinois [Mr. CANNON] rather to be able to reply to the gentleman from Mississippi than to precede that gentleman. I hope the gentleman from Mississippi will be permitted to go on now.

Mr. SMITH, of New York. I desire to add a word to the request made by the gentleman from Massachusetts, [Mr. DAWES.] I trust this side of the House will not forget that we are indebted and that the country is indebted to the gentleman from Mississippi for the magnanimous sentiments he uttered on this floor in the last session of Congress, and I trust that this side of the House will not object to his having a hearing on this question.

Mr. SHANKS. I desire the House to remember another fact. There is another gentleman from Mississippi who to-day is carrying his arm in a sling because of patriotic sentiments he has uttered, and he has asked this House to hear him in answer to the other patriotic gentleman.

Mr. DAWES. Has any one objected to his being heard?

Mr. SHANKS. I am not talking to the gentleman from Massachusetts, but to the House. If anybody is to be heard here I want these patriotic gentlemen of both sides from the South to be heard. I want those who have stood up for the Union in its hour of trial to be heard as well as those whose patriotic sentiments uttered on this floor amount to but little following the blood and carnage of the last ten years.

Mr. COBURN. I desire to say a word. This appeal is made on behalf of the gentleman from Mississippi who, as I am informed, engaged in filibustering hour after hour for nearly twenty-four hours, wasting the time which might have been used for discussion. If the gentleman did not engage in that he can say so now.

Mr. LAMAR. May I be allowed a word?

Mr. COBURN. I will allow the gentleman to answer that question, whether he engaged in filibustering the other night, yes or no.

Mr. LAMAR. I distinctly said that I would reply to the question of the gentleman from Indiana [Mr. ORTH] in reference to certain statutes—

Mr. COBURN. If the gentleman will answer my question I will yield him the time; otherwise I call the regular order.

The SPEAKER. What control over the matter has the gentleman from Indiana? How does he get control of the time?

Mr. COBURN. I supposed I had the floor.

The SPEAKER. The Chair has not so recognized.

Mr. BUTLER, of Massachusetts. I call the regular order.

Mr. COBURN. Does the Chair object to my having unanimous consent?

The SPEAKER. Not at all.

Mr. COBURN. I had the floor and yielded it.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] had the floor.

Mr. COBURN. I had unanimous consent to have the floor.

Many MEMBERS. O, no.

The SPEAKER. But the gentleman from Indiana stated that if the gentleman from Mississippi [Mr. LAMAR] would answer the question, he would give him the floor, and the Chair did not see exactly how he could do that.

Mr. COBURN. I said I would give him the floor to answer the question.

The SPEAKER. But the gentleman from Illinois [Mr. CANNON] is entitled under the rules to the floor, and no other gentleman.

Mr. COBURN. I had it by unanimous consent.

Many MEMBERS. No, sir; we deny that.

The SPEAKER. The gentleman from Illinois is upon the floor.

Mr. BUTLER, of Massachusetts. I call for the regular order of business.

The SPEAKER. Then the gentleman from Illinois [Mr. CANNON] must proceed.

Mr. CANNON, of Illinois. Mr. Speaker, I would be glad to yield to the gentleman from Mississippi a portion of my time, but I have already promised to yield to the gentleman from Massachusetts and the gentleman from Wisconsin, all of my time not taken by myself. Mr. Speaker, the object of government is the protection of the life, the liberty, and the property of the citizen; and a government that does not give such protection fails in the object for which it was formed, and cannot endure. The compact, it may be said, that exists between the Government and the citizen is that the citizen shall bear arms in the common defense, contribute to the revenues, and otherwise perform his duties toward the Government, and that the Government in return shall protect him in every right which he has not surrendered for the common good.

Under our form of government the power to protect the citizen in part rests in the United States and in part in the States; but states whenever the Constitution makes it the duty of or gives power to Congress to legislate for the enforcement of rights or the redress of wrongs no cry of centralization should deter us from doing our duty by giving proper legislation in the premises; and I want to say here, without disrespect to any gentleman, that much which has been said in opposition to this bill was mere declamation, consisting of glittering generalities and bitter denunciation; and it shall be my object, briefly as I must on account of the limited time I have to address the House, to inquire whether Congress has the power under the Constitution to enact the bill into law, and whether, having the power, it is necessary to exercise the same for the purpose of securing fair elections for members of Congress, guaranteeing each State a government republican in form, suppressing insurrection, preventing invasion, and enforcing the thirteenth, fourteenth, and fifteenth amendments of the Constitution. And let me here state that while the proposed legislation is general in its nature, applying to all sections of the country alike, yet in fact it is alleged to be necessary on account of the state of society and violations of the Constitution and of the rights of citizens in the States lately in rebellion.

I had the honor to be designated by the House as one of a special committee during the present session to proceed to the State of Alabama for the purpose of taking testimony concerning the condition of alleged outrages in that State and make report in the premises to the House. Prior to that committees had been appointed to make similar inquiries in the States of Mississippi, Louisiana, and Arkansas, all of these committees have performed the duties with which they were charged, and have made reports to the House. It is impossible, however, to fully understand the present status of society in the States lately in rebellion and intelligently legislate for the same without inquiring as to the causes which led to the present deplorable condition in that portion of the country. However, as the history of the country for fifteen years past is fresh in our minds as well as the minds of the people, a bare reference to them will be sufficient.

Prior to the war labor in the Southern States was largely performed by slaves and under the direction of the whites, as will be recollected. To perpetuate the system of slavery it was necessary that the slave should be kept in ignorance; otherwise he might rebel. He was a chattel; and there was no valid marriage relation existing as to him. He was ignorant, and in no case could be a witness in the courts against a white man, nor could he acquire or hold property. The result was that his condition was but little better than that of the inferior animals, and the effect upon the superior race was detrimental in the highest degree. White labor was to a certain extent not considered honorable, because it came in competition with slave labor. Many of those who owned slaves, having almost absolute power over them, became arrogant and aggressive to all who opposed them. There was no true freedom for many years prior to the war



in the slave States for either the white or black race. For the perpetuation of the system both the freedom of speech and of the press were stricken down. The result was that the South was substantially a unit as to certain policies for years before the rebellion; and being a unit, found a party North strong enough to co-operate with in controlling the Government, the South having a majority of that party and dictating its policies.

Under the doctrine of State rights, as enunciated by southern statesmen and acquiesced in by their northern allies, secession was inaugurated, the dominant party declaring that there was no power under the Constitution to coerce a sovereign State. After four years of war, the loss of three hundred thousand men the flower of the population North, and the expenditure of \$5,000,000,000, the armies of the confederacy were overthrown, slavery was abolished, and secession by the force of arms failed. The people of the South had spent their substance in supporting their armies while attempting the life of the nation. Reconstruction was had; for by their own acts they were without representation in the Congress of the United States. Two policies were open to the United States; one was to restore the southern people to the rights of citizenship, enable them to reconstruct their State governments, and pardon their treason; the other was to treat the States South as Territories, governing them by the United States the same as other Territories until such time as the Government was satisfied that they could be again restored with safety to their former relations as States.

The first course was agreed upon; the United States, however, insisting that slavery should be forever prohibited by amendment of the Constitution; that the rights of citizenship should be given to the negro; in fine, that the thirteenth, fourteenth, and fifteenth amendments should be adopted. All this was done; but as reconstruction progressed our brethren South attempted by unfriendly legislation, consisting of a system of apprenticeship and ingenious penal codes, to practically establish a condition of servitude upon the part of the negro worse than that of slavery.

Suffice it to say, however, as the years rolled around reconstruction was accomplished, and the race lately in slavery were admitted to citizenship and made equal before the law with other citizens. However, the prejudice against the negro as a freeman and a citizen in the exercise of his rights as such, which was born of slavery, still existed in the minds of a large portion of the people South, especially as the negro, grateful to the party under whose lead he had been made free, refused to vote with the party which had tried to practically re-enslave him after the war. Under the Constitution they were powerless to re-enslave him or abridge his right of suffrage by State law, so they undertook to do by force, murder, and assassination, with the aid of a secret society of armed men known as the Ku-Klux, indirectly that which they could not do directly; in other words, to practically nullify the Constitution of the United States and of the States, and the heart sickens when we read the testimony taken in the Ku-Klux investigation in 1871 by a joint committee of Congress. The States were powerless to protect the freedmen and white republicans, or, having the power, did not choose to exercise it; but Congress, in the enforcement of the Constitution and the amendments, passed what is known as the enforcement and Ku-Klux acts, gave the President power to suspend the writ of *habeas corpus* for a limited time as necessity might require; and, thanks to proper legislation and an efficient Executive, the hand of the murderer and assassin was for a while stayed.

Having briefly glanced at these facts, I will refer to the condition of affairs in Alabama at the present time and during the last campaign, as well as in other Southern States.

The majority of the Alabama committee correctly give the status of society and political parties in that State prior to the late elections, as follows:

There were two parties in the recent election in the State struggling for supremacy: First, the democratic party, composed, with but very few exceptions, of white men; secondly, the republican party, composed largely of colored men, with the addition of a respectable number of white men. The great body of what is usually termed "society" is found in the democratic party, as well as the men of business and property.

The democratic party entered the contest with a determination to "carry the election at all hazards," and, as the testimony plainly shows, resorted to almost every species of intimidation, violence, and ostracism that would conduce to that result. Both white and black men in it were proscribed for the alleged reason that they were inferior, incapable, and untrustworthy by nature and in essence.

The natural consequences of such a contest were soon developed. One side assumed the attitude of superior wisdom and superior power, and undertook to intimidate and overawe the other. Intolerance of political opinion became apparent, and was soon followed by intolerance of action. When the campaign opened republicans in many places could not hold conventions. They feared to meet for consultation or to hear addresses. Candidates announced their intention not to canvass their districts or counties, and determined not to take the risk of personal safety to be incurred in the presence of men who threatened to overpower their political opponents, to whom they applied the most insulting epithets.

Republicans were denounced as common enemies of the "whiterace," whose suppression was necessary to the preservation of that race. Long before the assembling of a convention of either party in the State the democratic newspapers were filled with appeals to the white people of the State to stand as a unit against the advance of the republican party. These appeals were founded upon pretended assumptions of republican aggression, as charged by democratic politicians, in order to inflame the white men and arouse the deadliest of human passions. The democratic press of the State (see, for example, pages 475, 478,) teemed with accounts of the negroes arming and drilling in order to intimidate the whites, and of negro military companies being organized for the same unlawful purpose. Careful and pointed inquiry upon this subject totally disproved every assumption of this character, and established the further fact that not a single negro militia company existed

or exists to-day within the borders of the State, so far as the committee was able to discover. Published in every part of the State, their truthfulness vouched for by seeming good authority, these incendiary appeals produced the desired effect, and the committee is surprised that the result of this teaching did not bring about more disastrous consequences. And the committee believe that but for the timely interference of the Administration in Louisiana affairs revolutionary measures would have been precipitated upon the people of Alabama.

A "race issue" was thus forced upon the people of the State, an issue in which the prejudices of the white people were furiously aroused against the blacks and all those who saw fit to affiliate politically with them.

I have only time to refer to the evidence of a few witnesses and one or two articles from leading papers showing the temper of the people who determined to carry these elections at all hazards, without reference to the will of the majority. In Wacocochee Valley, in the County of Lee, the freedmen had erected three churches which they used for the purpose of worship and for school-houses. The evidence is full and conclusive that designing men circulated false reports that the negroes were about to rise, and used that as a pretext for attacking defenseless negroes and burning their churches, thereby hoping to so intimidate them as to prevent a free exercise of the right of suffrage. I read the testimony of George Sharp:

GEORGE SHARP (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your name, age, residence, and occupation?

Answer. I am twenty-six years of age. I live now in Troup County, a mile and a quarter out of the city of La Grange, Georgia.

Q. How long have you lived there?

A. I left Alabama the last day of August last.

Q. What did you leave the State for?

A. Because the white men were trying to kill me. They shot at me on Saturday evening, the 31st of August. I lay in the woods that night, and Sunday I left, staid at Mr. Cape's house, and Monday morning I went to La Grange. On the Monday before this last I came down and got my family and moved them away.

Q. Are you afraid to go back and live at your home?

A. Yes, sir. Since I have come back my employer told me there was no danger. Some have told me there was danger. Mrs. Blackmar told me not to stay here, however.

Q. What happened the week before you left—what occurred that made you go away?

A. The week before I left we had political meetings. There was a convention at Opelika. I think the democrats had a convention. They said we had a right to have our political meetings and send delegates up here to this convention. We did so. We had our meetings in the night, and they wanted to know what we meant by having them at night. We stated that we did not mean any harm at all, but we hated to meet and lose a day. They told us to have our meetings in the day, and we would have the privilege of running for any office we wanted. We had our meetings then in the day. One Thursday we had a meeting at three o'clock, at Pleasant Hill church. Several white folks were there. Pope Mangum and Mr. Piper were there at the time I was speaking.

Q. Were those democrats or republicans?

A. They were democrats. After I got done speaking the chairman of our meeting asked them if there was any insult spoken on either side, and they said no, that there was nothing said to hurt anybody, and they said that was a very nice speech for a colored man. This occurred on Thursday evening. Our large spiritual meeting was going on at the same time, and my wife's sister got ahead of me to carry her children down. I went, although I did not want to. I did not know that the white folks were making up a meeting to run on us at the valley. After I got down there I found them approaching. Bryant and McCullough came to our church and called me out. He asked me what we were up to. I told him nothing. I asked him why he asked me such a question as that. He said he heard that there was going to be a riot up there that night, and that we were going to kill the white folks. I told him that there was not a gun or pistol on the land. I told him I had one in my pocket; that my life had been threatened, and I had a right to carry it. I told him that there were not thirty men there. He said that there was not, and said he would go back and tell the men to go home. He told us to have our meeting, and break up in peace and go home. We did so. That was still on Thursday night. When we broke up our meeting, some of the boys at our meeting went down in the valley, and they said there were about five hundred men, whose guns were stacked up in the street.

Q. How far is the valley from the church?

A. About three hundred yards, as near as I can get at it. They came back, as I said, and told us that there was a club of white men going to do some harm that night.

Q. Describe the white men. Were they armed or mounted?

A. Yes, sir; they were all armed; they were all riding.

Q. Were they disguised, or were they just with their common clothing on?

A. They had their common clothing on. They were drinking whisky, I was told. I did not see that. Our colored people all said they were going home, for the reason that we did not want to have a riot with the white folks. I staid out in the old field with Nathan Griffin and another to see what devilment they were going to do. They ran down in the valley and began shooting, and then came back and set the church on fire. After it got burning well they came back and ran up the road crying fire. The church blazed up so that we got out of the field. They were riding in the field to see who of us they could see; that was the reason we left it, the light was so bright. They said if they could run all the radicals out of that country they could live.

Q. Did they say anything else about the radicals?

A. No, sir.

Q. Did they ever make any threats to injure them or kill them?

A. Yes, sir. Wilbur Crofford and Pooch Collins came down to Mr. Terry Collin's grocery, which is in Alabama, near Chambers. It was a country store. I was sitting by the door. He came on and kicked me on the right thigh, and said, "What are you doing here?" I said I came to get Mr. Collins to shoe my horse; and he said, "Yes, God damn you, I am going to kill you for your big talking and speaking." I told him I had not done anything wrong. He then went out in the grocery room to get his whisky, and Charles Ellis came out and told me to get away, that the white men were going to kill me. Pooch Collins had a great big hickory club. Charles Ellis was a black man. I left there, asking him to bring my horse back. I had to leave my horse there and go home. They were going to kill me because Nathan Griffin and myself were delegates to this convention. They did not like that.

Q. How long before the convention was that?

A. That was the week before the convention.

Q. Did you go up to the convention?

A. Yes, sir; I was one of the delegates; this was a county convention; we were to nominate delegates, I think, to go to Montgomery.

Q. Do you remember particularly what these men said there the day they run you off from the blacksmith's shop; was there anything more said or any more threats made to you?

A. No, sir; I went right home, leaving my horse; that was about two weeks before I left Alabama.

Q. Do you know of any other church being burned on the night of the church burning?

A. Yes, sir; I saw the Ebenezer Valley church set on fire.

Q. Who set that on fire?

A. Wilbur Crawford and Bob Tanksley.

By Mr. BUCKNER:

Q. Did you see anybody else?

A. There was nobody else that I saw.

Q. They were the only two together?

A. Yes, sir.

Q. Nobody else with them?

A. No, sir; there were men standing down the road.

By the CHAIRMAN:

Q. How many men; was there a crowd?

A. Yes, sir.

By Mr. ALBRIGHT:

Q. Were they armed?

A. Yes, sir; they had their guns. They were on horseback.

By the CHAIRMAN:

Q. Were there any other churches burned that day?

A. Yes, sir.

Q. How far off were they?

A. There was another church about a mile and a half from Wacoochee Valley, beyond the Wacoochee Valley Creek. I saw the light of it, but I did not see it set on fire.

Q. Was there another one burned?

A. Yes, sir; these two that were burned were colored Methodist churches. The third one was a mile and a half beyond the valley.

By Mr. ALBRIGHT:

Q. Were those churches used for school-houses?

A. Yes, sir; this that was burned at Mechanicsville was a school-house.

Q. Did you ever use these churches for any other meetings besides religious meetings?

A. Yes, sir; we used them for political meetings. They burned them because they wanted to break us up from having our political meetings. They tried to run us off before the election came off; we had no other place to hold our political meetings and we held them in the churches. They were our own churches; the white folks said it was our privilege to have our meetings, and we held them in our own churches.

Q. Were those frame or log churches?

A. Two of them were frame, and the Wacoochee Valley church was a log church.

By the CHAIRMAN:

Q. State whether there were any men belonging to the White League in your country.

A. I never heard any talk of that.

Q. State whether the democrats had any meetings down there.

A. No, sir.

Q. Did you ever go to one of their meetings?

A. No, sir; they invited me, but I would not go.

Q. State whether the democrats ever invited you to join their party, and offered you protection.

A. Old Terry Collins sent for me to see me; I asked Mr. Glass about it, and he told me I had better go. I went up; when I arrived at Collins's grocery, there was a large crowd of men there, and they had guns setting up on the counter. Terry said to me, "I am glad to see you; if it had not been for me, last night, you would have been dead and in the river." I was afraid to go in when I saw the guns and the men. He said I should not be hurt; I walked in. Some got in the doorway, and Terry went behind his counter and drew his pen and ink, and what I said he wrote down. He said, "There were fifteen men there last night; they had a grass rope as big as my arm, and guns, and were going to kill you, and I stopped them." He then said, "If you will promise me that you will not have anything more to do with these political meetings and join the democratic club, I will give you as much whisky as you can drink, and come with me and go to Beulah and vote." That was before the election. He said, "Now is your time; you have got to do one or the other, and if you do not go we will go for you; here are the men right here." I told them that I would not have anything to do with either party, and they let me off with that. That is the truth.

By Mr. BUCKNER:

Q. Who was there that heard that?

A. I do not know; there was a house full of men. I did not notice who they were.

By the CHAIRMAN:

Q. Were they republicans or democrats?

A. They were democrats; they tried to get me to join them. They knew I could read and write, and they cut off my papers, and would not let me get them from the post-office. Pooch Collins and Wilbur Crawford were the postmasters. If I went up to get papers, they would get me, and I never got any more papers.

Q. Were you afraid to go to the post-office.

A. Yes, sir; they had attempted to kill me, and I knew they would do it if I had not left.

There is much more testimony bearing upon the same matter, but I have not time to read further.

The evidence also shows that pledge meetings were held by the democracy, in which they bound themselves not to employ negroes who voted the republican ticket. This is a fearful means of intimidation to the ignorant negro lately freed, without property and with nothing standing between him and starvation but the proceeds of his daily labor.

I also read the evidence of E. M. Kiels touching the destruction of the ballot-box at Spring Hill, in Barbour County, and homicide of his son and his evidence is corroborated by an Army officer and others. Indeed, there is no testimony tending to contradict his statement of the facts; nor has there been any prosecution of the persons who committed these outrages in the State courts. The testimony is as follows:

ELIAS M. KIELS sworn and examined.

By the CHAIRMAN:

Question. State whether there were any deeds of violence perpetrated within your sight or hearing on the day of the election. If so, by whom and by what party? State in what the deeds consisted.

Answer. I was at Spring Hill, as United States supervisor, on the day of the elec-

tion, the 3d of November. That is eighteen miles from Eufaula, in the same county. Everything went along there quietly until about eleven o'clock that day, when a disturbance commenced outside. I was in the room; I did not see that, but I heard the reports of the guns; there were several guns fired; when these guns were fired the democrats present—I suppose seventy-five or one hundred—ran to a house near by, Cody's store, where it was understood before that there were guns stored. They got those guns and paraded the streets there from that time until night. Some of them had two guns.

Q. What did they do with the arms?

A. They threatened to shoot anybody that did not do exactly to suit them. That was pretty generally the talk.

Q. What was the nature of their threats; were they personal, political, or how?

A. Political threats; but they would talk in this way: "We are going to make these damned negroes behave themselves. If they don't, we will kill out the last one of them." That was about the amount of it.

Q. What sort of arms were those?

A. Some of them were new double-barreled guns, and some not new. Some were rifles; but they were mostly shot-guns. There were a great many new double-barreled guns among them.

Q. Did Cody have those guns there for sale?

A. No, sir; this store was vacant.

Q. How did those guns get there?

A. I was informed that they were deposited there.

Q. When and by whom?

A. I was at Spring Hill and made a speech on Tuesday before the election, and I was notified then that those guns were in that house. I got to Spring Hill on the morning of the election, and the republican challenger, a colored man, told me that the guns were still in that house, and that he asked Cody the day before why they were there, and Cody told him they were to keep the peace on the day of the election. That colored man's name is Green Burch. He lives in Spring Hill precinct. Perhaps Cody's remark was to make the negroes behave themselves. It was something of that sort. His full name is Michael Cody. He resides at Spring Hill.

Q. State what was done at the time the ballot-box was destroyed, and how it was destroyed.

A. The polls were closed at five o'clock, as the law requires. One of the clerks got ready to go to counting out the votes in ten or fifteen minutes. The other clerk did not get his poll-sheets ready until just at dark. The managers were hurrying, but failed to get them ready. The clerk's name was Thomas Swanson. When he got them ready he got up without saying a word to anybody, went to the door and opened it. That door had been barred several times to keep the crowd out, and the last time, when the crowd was very boisterous, I went and barred it myself good and strong. It took him some time to open it. As soon as he started to that door the crowd of democrats moved to it, as though they understood what he was going there for. As soon as he got the bar from the door they ran against it and came in, and then they commenced a promiscuous firing. A portion of them ran for the light and knocked that out. The instant before the light was put out several of the crowd commenced firing, as I could see, at me, and balls did go in the wall just above my head; but that was only for an instant, until the light was out, and then it was a promiscuous shooting all around that room. The managers had run away, as I found afterward, and there was no one in there but myself and my son: They did not touch me, but murdered my son.

By the CHAIRMAN:

Q. How old was your son?

A. If he had lived he would have been seventeen years of age on the third day of this month.

Q. How was he murdered?

A. He was shot; three balls entered his thigh and one his bowels; that was the shot that killed him.

Q. Was he near you when he was hit?

A. He had his hand on my shoulder when he was hit.

Q. How soon did he die?

A. That occurred on Tuesday night, and he lived until Thursday at half past three.

Q. Where was the ballot-box destroyed?

A. It was destroyed at that time. I never saw any more after the light went out.

Q. How long after this firing did you remain in the house?

A. I can hardly tell; I could not keep much time just then, because there were twenty-five guns firing every second, or even more; I was there two or three minutes, perhaps.

By the CHAIRMAN:

Q. What was said, if anything, within your hearing about the time of the firing and of the destruction of the ballot-box?

A. The remark I heard, maybe a hundred times, was, "Kill him; damn him, kill him." That was me, of course; because I was the United States supervisor in the room. I supposed that was the reason they said it.

By Mr. BUCKNER:

Q. You were appointed by the district court as supervisor?

A. I was appointed by the United States circuit court.

By the CHAIRMAN:

Q. Was there a democratic supervisor?

A. Yes, sir.

By Mr. BUCKNER:

Q. Where was he?

A. He had not been there for an hour before that.

Q. What was his name?

A. Dr. J. M. Barr.

Q. Were there only two supervisors for that precinct?

A. Yes, sir.

By the CHAIRMAN:

Q. How many ballots were put into the box that day?

A. Seven hundred and thirty-two.

Q. How do you know that?

A. I saw them go in.

Q. Did you keep a tally to know that that was the correct number?

A. I stood by that table all day, and saw one of the inspectors number them as they came in.

Q. You saw the figures on the papers?

A. Yes, sir; and I saw the poll-lists where they were numbered.

Q. State whether more black than white men voted that day?

A. I will tell you the reason why I was more particular about noticing the precise number. In 1872 we had a supervisor who was a colored man, and they refused to let him into the room, and cheated the republicans out of the entire vote at Spring Hill; in other words, the votes went in republican but were counted out democratic. That is one reason why I went there that time as supervisor.

By Mr. ALBRIGHT:

Q. What was the relative strength of the parties at your poll on this day; what proportion of the seven hundred and twenty-three was republican and democratic?

A. I am satisfied that at least five-sixths were republicans.



Q. What proportion of the vote was white and colored?

A. The republicans were nearly all colored. The only white republicans that I know that voted there were one from another precinct and one who lives there.

Mr. Kiels further testifies:

Half or three quarters of an hour before this disturbance commenced my son and I heard them saying out in the crowd that the Spring Hill ballot-box would control the election in the county. He said, "Now you see very plainly that there is going to be a disturbance here. They will come in here and destroy this ballot-box, and of course they will kill you, because you are a United States supervisor here." He said, "You had better let me go after Lieutenant Turner and his men to come up here." I said, "You can go after him." I let him out of the door, and he went as far as he could walk, and came back and said that Lieutenant Turner told him that he was ordered by Captain Daggett, at Eufaula, not to go about the place there at all. That is something I had never suspected before. When he came back and told me that, if I could have gotten out of that door and got away I should have gone; but it would have been certain death to have undertaken to have gone. I knew that, and therefore thought the safest way would be to stay in there, which I did. The next morning I asked Turner why he did not bring his men there. I wanted to see if he would tell me what he told my son, and he showed me a dispatch that he had from Daggett that came over the wires that morning, forbidding him to go about the polling-place at all, or allow his men to go there for any purpose.

Q. What were Swanson's politics?

A. Democratic.

Q. What were the politics of the other clerks?

A. All democrats. Daniel Persons was a colored inspector there.

Q. Was that under the State law?

A. Yes. He was a republican. The others were all democrats—clerks and inspectors.

Q. Before this door was unbarred and broken in, you speak of a good deal of disturbance outside. Who was making that disturbance, if you could observe?

A. It was that crowd of democrats.

By Mr. CANNON:

Q. Were those citizens of the country that were engaged in these disturbances?

A. Yes, sir. There may have been some others that were not citizens, but they were nearly all so.

Q. In fact the vote of that precinct was not returned at all, on account of the destruction of the ballot-boxes?

A. There was no return made of it.

As a specimen of the manner in which they carry on elections on the border of Alabama by the aid of the citizens of Georgia, and ministers of the Gospel, too, from another county than the one where the election was being held, I will cite the testimony of Hon. CHARLES PELHAM, a native of the South, and a man whose testimony is above suspicion, as follows, (page 1204:)

I saw boys not twelve years old so drunk that they had to be supported to the polls. They voted the democratic ticket every time. I saw boys from Auburn College, a military college established in Lee County, Alabama, vote with their uniforms on. I did not know their names; I could not find them out. They were very tight. It is a military school founded by the United States.

Q. What tickets did those repeaters, boys, vote?

A. They voted the democratic ticket, so far as I could see, every time.

Q. What do you know of parties coming from Columbus, Georgia, to vote, if anything?

A. They came in great squads, came in express-wagons in great droves. I noticed one man voting. I thought I had seen him before. I looked at him and asked him if he was not from Clay County. He told me yes. I asked him what he was voting here in Girard for. He said he was over in Columbus with a drove of beeves; they were all voting, "so I can vote, and I am going to do it." His name is Scarborough, a Baptist minister in good standing in Clay County, Alabama, and in charge of two churches there. He voted the democratic ticket, and the men with him driving beeves, from the same county, did so. He said that he was over in Columbus selling the beef. I saw men with their hands full of new half-dollars, fractional currency, offering it publicly, in violation of the statutes, to negroes to vote.

Q. Were they white men?

A. Yes, sir, and prominent democratic politicians. I saw them offering that to voters; saw men take it, and saw them vote.

By Mr. BUCKNER:

Q. Can you give us the name of any prominent man of that sort?

A. No, sir. Republicans would not do it who ever expected to go back down there. I would not have asked one of their names that day.

Q. You say they were prominent politicians?

A. They were taking a prominent part in the election that day; well-dressed, intelligent men, and men of fine appearance. I saw one man come over from Columbus and hand over a pile of bills to a man who had been doing that all the evening, and saw him unroll it and go to work with it in the crowd, with drunken negroes and white people. I called the attention of prominent democrats to it time and again.

Q. What was the complexion of this election board as to politics?

A. There was one republican inside the box. An old colored man, a republican, named Elihu Moriner, was one of the managers outside; a man named Collins was a manager inside.

Q. Was it one republican and two democrats?

A. I was informed so. I did not go inside.

By Mr. CANNON:

Q. How did that poll count; how was it announced that night?

A. That night it was announced that the republicans carried the election by about a hundred majority.

Q. Was it announced by the election officials after it was counted?

A. Yes, sir. A certificate was given by the election officials that we carried it by about one hundred majority.

Q. What did you do after that?

A. There had been so much counting out of votes there that I went down, when the election was over, to Seals Station, the county seat of this county, to see the vote concentrated. That box was not sent in for several days; but then it was brought in at eleven o'clock at night, to the court-house, under very suspicious circumstances, by those same men who performed so extensively up at Girard that day. When it was opened I do not think it had fifty republican tickets in it. The tickets had never been folded. In voting a ticket or folding it up in any way, and holding it in hand to vote, will rumple it a little, or show some little mark, and those ballots that day were as smooth and straight as that envelope is now, and there was not a particle more soil on it. They were perfectly clean, smooth, and straight, and not a crease from one end to the other, and had evidently not been put in as votes by the voters. They were strung on a string together. There were about a hundred votes that had been voted, democratic and republican votes, which showed handling, and the others never had been handled. That was in the pres-

ence of Judge Patterson, and the sheriff and judge of probate and the clerk of the county, who were all democrats except Judge Patterson; and I reckon that there is not one of them there when they were opened who would not admit that none of them that had not been folded had been voted by a voter.

Q. I understand that they showed a hundred majority; but when you came to count the ballots what did they show?

A. I think there was about fifty republican votes.

Q. And the balance democratic?

A. Yes; thirteen hundred.

Q. Under your election law, is it made the duty of the canvassing board to compare the poll-list with the ballot?

A. Yes, sir; and there were not fifty republican votes in the box.

Q. What evidences did you see as to the box being tampered with?

A. The box was split open and had been glued back, and nails were driven in it.

Q. Does there have to be actual violence to constitute intimidation?

A. So far as intimidation was concerned, there was intimidation at every place in the district I was at, and I was in every place in the county. I canvassed that county all over.

As indicative of the animus of the democracy in that State, I read from a single article from the Opelika Times, September 30, 1874, a democratic paper, which is a fair sample of the tone of the democratic press in that State as shown by many extracts in the testimony:

This campaign has in it the single issue of qualification for offices—the best men at the helm in this political storm! All men who subscribe to this principle stand forth as enemies to radicalism, and are morally bound to hold radicals as alien enemies without the pale of recognition in all the relations of life, particularly in those relations that affect the individual success of men in their financial enterprises. The most potent agency that is within the compass of our using to teach the radical the iniquity of his machinations, and to compel him to respect the claims of civilization and the imperious wants of the people, is the withdrawal of our moneyed support. Let his ship ply without a cargo, or rot unmanned in a breezeless ocean. Let his door of commerce stand open and neglected, with the blood of a slaughtered country sprinkled upon its lintel, a curse upon and a warning to venality. Touch him not, nor his goods, nor his cattle, nor anything that he has. Let him dance to his own piping, and count no profits from the hard earnings of a people he has sought to destroy, and a race that he has abandoned, and a section of country that he has scandalized by living in it. The adder that stings should find no warmth in the bosom of the dying victim. The man who curses woman, children, race, country, and his God may not hope for Apollo's laurel until he first finds absolution in the sackcloth of repentance. Reparation these radical scoundrels can never make, but further scourging of the people they can cease, and we can force them by non-intercourse, if they yield not to entreaty. Free thought, free speech, and free action are only constitutional guarantees so long as their exercise promotes the good of the body-politic. The freedom of action and thought and speech of Titus Oates and Benedict Arnold were outside the protection of the Magna Charta. The Constitution ostracizes freedom when it becomes licentious, and freemen when they become traitors and marplots. Honesty (if it be possible for a scoundrel) is no protection, nor even an excuse for the hand of an assassin. The thing done is measure of transgression in politics, without respect to the motive of doing it. Politically considered, an honest radical is just as culpable as a dishonest one. They are alike enemies to civilization and the South, with all her interests, and our last and only means to be used for their overthrow is to fall back upon the old Wesleyan doctrine to "prefer one another in business."

If there be a colored man who is willing to recognize the necessity of putting Alabama under the rule of intelligence, he becomes our friend, and he should be preferred as tenant of our houses, cabooses on the farm, drayman upon the streets, sexton of the church, and in every way right and proper sustained and built up. Merchants, mechanics, and tradesmen of every character have a right to expect and demand support from and at the hands of those with whom they are allied in this great struggle for reform, while the radical cannot have the effrontery to even ask a "fish" without the rational expectation of receiving a "stone." Every man who sustains a scoundrel individually contributes to building up radicalism. The way to kill the party is to put upon "short allowance" its individual members. The sea is open—the sky is beautiful—victory is ours!

The testimony further shows that as a rule white republicans, whether northern or southern born, Federal or confederate soldiers, rich or poor, educated or ignorant, honest or dishonest, with their families, are ostracized socially at the fireside, in the church, in the school, and proscribed in business, and in many portions of the State that their lives are unsafe—to make a long story short, that for white republicans who dare to exercise the rights of a freeman as citizens of the North exercise those rights, Alabama becomes for them a hell on earth.

W. P. Billings, a white man who formerly lived in Missouri, saw proper to take his wife and children and find a home in Sumter County, Alabama. He bought a plantation and sought to make a living by labor; admitted to be a good citizen and industrious man. He was waylaid as he was returning from a republican meeting by a band of assassins and killed, as the circumstances show, for no reason in the world but that he was a prominent republican leader. In a few days afterward Thomas L. Ivey, a colored mail agent and a republican, while in performance of his duties on the train was killed. The train was flagged and halted and he was riddled with bullets. His death by assassination was chronicled by a leading democratic newspaper published at Meridian, Mississippi, as follows:

#### ASSASSINATION OF A COLORED MAIL AGENT.

Yesterday afternoon, as the Alabama and Chattanooga train was coming this way, about three miles beyond York, and six this way from Livingston, a man stood upon the track and flagged the train down with his hat. Charlie Briggs was the engineer, and stopped his train. Immediately as the train stopped, some three to six shots, variously stated by eye-witnesses, were fired at Thomas L. Ivey, the colored mail agent. He is said to have uttered a single exclamation of pain, and from the terrible character of the wounds, was doubtless killed instantly after. The train brought the body on to this city. It is supposed that Ivey came to the door of the car to observe what the train was stopped for, and so gave his slayers the fair opportunity they wanted. It is said there were assaults on both sides of the train. Their work was quick and decisive, and they disappeared in the brush, and no one of all the people about the train recognized any one.

Our good friends "across the border" will allow us to use this item, which came from their State, and take notice that we make no charge against the Sumter County democrats, and "insinuate" nothing except, from what is deemed reliable information, that the deceased was a dangerous man to the peace of the community.



And after diligent inquiry the only crime Mr. Ivey was guilty of was that of being a prominent man with his race and saw proper to exercise the rights of a citizen in matters of politics—the fastidious way of putting it, in the language just quoted from the Meridian paper, “A dangerous man to the peace of the community.”

But I have no time to read further from this evidence. I will merely refer to the Eufaula riot, where the democratic whites were fully armed and organized, and during the election, taking advantage of an altercation in reference to the legality of a negro vote, fired upon the negroes, killing many of them and wounding near one hundred more, chasing the negroes as they fled, cheering over the dead bodies of the fallen, and wanting the Yankees to come on for their share. The feeling of exultation is shown from the following dispatch to the Montgomery Morning News the morning after the riot:

Big riot to-day. Several killed and many others hurt—some badly—but none of our friends among them. The white man's goose hangs high. Three cheers from Eufaula.—*Morning News*, November 4, 1874.

And in passing allow me also to call attention to the Mobile riots on the day of election, where many negroes (republicans) were wounded and many killed. By request of the democratic central committee, which request was equal to a command, all places of business were closed in the city and the whole white population, many of them armed, were upon the streets and surrounding the polls at the different wards. With couriers mounted to carry dispatches and commands from democratic headquarters from place to place, and over one hundred democratic deputy sheriffs, generally armed, it is not strange that riots were constantly taking place; and, as General Withers in his evidence in substance aptly expresses it, all this organization and acting upon the part of the democracy, even if they had not fired a shot, was the most effective kind of intimidation to unarmed and timid negroes. Nor have I time to cite the evidence showing how desperate men from Mississippi came into Alabama at various points to assist like desperate men in chasing and hunting negroes (republicans) who were guilty of no crime but that of being republicans in politics. Nor have I time more than to refer to the massacre of negroes at Vicksburg, whose humble friends were prevented from giving the bodies burial through fear; so the bodies, mutilated, for days and weeks lay without burial, with no more attention than would be given to the carcass of a hog, and this, too, almost within sight of the corporation.

I can only pause long enough to refer to the fact that bad men, organized and armed, stand ready, in defiance of all law, to go from Texas to Mississippi, from Mississippi to Alabama, and from all of these States to Louisiana, to subvert all law, both State and Federal, and with a strong hand hunt down republicans, kill negroes, burn churches and school-houses, depose officers of a State or county, or subvert and revolutionize a State government. The testimony of the different investigating committees shows all this and much more. I do not mean to say that all democrats in Alabama and elsewhere South commit these outrages or approve them. On the contrary, there are many good men South, democrats, who deplore this condition of society. But it is also true that these bad men are sufficient in numbers to boldly and defiantly commit all these acts and so control public opinion that no redress whatever for outrages of this kind can be had in the courts. And while I have no doubt, so far as judges of courts are concerned, in most instances, that they declare the law correctly when called upon to make rulings, yet cases ordinarily can only be disposed of with the aid of juries and healthy public opinion. With the foregoing state of society as a rule, the juries will not or do not help administer the law so as to protect republican citizens, especially negroes, in their rights, so far as personal security is concerned, and punish men who commit political crimes heretofore spoken of; and while Justice may perhaps be still, so far as the judges are concerned, represented with her eyes bandaged, holding the balances, yet she should also be represented as bound both hand and foot by public opinion, and powerless to make and enforce her decrees; and, strange as it may appear, the testimony shows since the war but one white man has been convicted for homicide of a negro in the whole State of Alabama, yet when our democratic friends are called upon to explain, justify, or condemn this state of affairs, they generally deny, or if they admit in part seek to palliate or justify, by saying that the people of Alabama have been under the rule of the republican carpet-baggers, who are fattening upon the misfortunes of the people, and that those manifestations are only the violent protests of a generous people against such a state of things.

Now, what are the facts as to carpet-baggers in Alabama? The testimony of George H. Patrick (see page 484) is as follows:

Question. Have you ever had your attention directed to the number of carpet-baggers in this State in any way?

Answer. Yes, sir.

Q. Please state to the committee how carefully you have directed your attention in that direction and what facts you have ascertained.

A. I shall have to state now entirely from memory the number of carpet-baggers, or northern men, who are residents in the State, and that, I think, is not over one hundred and fifty.

Q. Have you had means of ascertaining that fact?

A. Yes, sir.

Q. How recently did you make a calculation of that kind?

A. During the last two or three years I have had constantly in my office the list of nearly, if not quite, every northern man in the State who has been in the Federal Army.

Q. State, if you know, how many of those men have occupied official positions as State officers since reconstruction.

A. There have been three northern men who have held State offices since reconstruction.

Q. How many northern men have held county offices, so far as you know, since reconstruction?

A. Some twenty-five, and perhaps thirty.

Q. State how many of those have been official defaulters.

A. To my knowledge, not one. I mean to say that I have heard of no such default.

Q. Have you had means of knowing the facts in relation to that matter, and have you directed your attention to that matter?

A. I think I have.

Q. What is your business?

A. I am a practicing lawyer, and reside in Montgomery.

Q. Have you heard the charges made against carpet-baggers, that they were a set of robbers and thieves and plunderers, and men imposing on the people of the South?

A. I have heard such general charges.

By Mr. CANNON:

Q. How many other than carpet-baggers have held office in this same length of time in your State?

A. There are some fifteen hundred or more county officers in the State, elected by the people every two years.

Q. That would make, since reconstruction, eight years ago, between five thousand and six thousand other than carpet-baggers who have held office?

A. At least that. I am the commander of the Grand Army of the Republic, and know who the republicans are here.

So you see there is nothing in the cry of carpet-baggers, so far as Alabama is concerned, except in the imagination of zealous democrats, virtuous correspondents, and the democratic press, and a portion of the so-called independent press—called independent, I suppose, because it is generally independent in misrepresentation without reference to the facts. My State of Illinois no doubt can show many times this number of men elected to office who come from the Southern States since 1867, yet there is no cry about carpet-baggers. While speaking of Illinois State or county officers, and that I may not be misunderstood, let me state that I am not the apologist of corruption in office of anybody or of any party, nor do I claim that all republicans or republican officials in Alabama are or have been honest.

Grave responsibilities are resting upon the people of Alabama and other Southern States. Many of the whites are ignorant and lawless, and most of the negroes are ignorant, ordinarily well disposed, but owing to their poverty and former condition many of them incline to commit petit larcenies and smaller grades of offenses. What is needed is a thorough enforcement of the law, protection to all citizens; especially in their rights of personal security, and general education, and until all these are given I do not see much chance for prosperity in the South. But our democratic friends tell us that the difficulty is that the negroes are ignorant and will not divide their votes between the parties, but insist on voting the republican ticket. I have no doubt it would be better if all parties would acknowledge the equality of all men before the law in practice as well as theory; and until this is done by democrats South, instead of resorting to force and intimidation, how can they expect the negroes will vote with them, and how can they criticize with justice the negroes for not dividing their votes between the two parties when the more intelligent whites are seeking to divide on the color line, and resort to ostracism, proscription, and some of them to murder and assassination to accomplish their purpose?

But it is useless to speak further of these matters. All will acknowledge the necessity for action. The gentleman from Connecticut, for whom I entertain great respect, acknowledges the wrongs to be remedied; also that the States have not and probably will not remedy them, and that they will have to go without a remedy, for the reason the United States has no power in the premises. I agree with him that Congress can only give relief by legislation where authority is given under the Constitution, but I also claim that the Constitution covers the proposed legislation.

I have no patience with some gentlemen who admit the necessity for action, but quietly fold their arms, while the blood of the slain cries from the ground and the moan of the widow and orphan are heard as protests against the most foul taking-off of the husband and father, and search with a microscope for a fancied want of power to legislate, or cry conciliation and peace, peace, when there is no peace for these citizens of the United States, if they persist in exercising their rights in voting as they see proper, but the peace of the grave.

Article I, section 4, of the Constitution is as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

I believe this power was not exercised until since the war. I suppose some gentlemen are inclined to deny the power because it was not exercised by Congress earlier. Under this power to regulate the time, place, and manner, we can provide the whole or any portion of the machinery by which such elections are held, and this includes the power to provide for the punishment of any offense, even murder, provided it was committed in the attempt to constrain suffrage touching a congressional election. As to the expediency of the legislation there can be no doubt. A member of Congress from Maine or Alabama has just as much power by his vote to affect the whole country as has one from any other State. So the people of Illinois are just as much interested practically in the fair election of the



member from Maine or Alabama as they are in the fair election of the member from Illinois; and the framers of the Constitution no doubt placed this provision in it for the reason that as the whole country is to be affected by these elections, so the United States should have the power to make such provisions by law to secure fairness in the same as to the law-making power should seem proper.

Article 4, section 4, of the Constitution of the United States is as follows:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

Under this section the duty of the United States is imperative to guarantee each State a republican form of government—and form in this connection means in substance as well as form—and protect each State against invasion. In my opinion, the power of Congress in enforcing this section extends to affirmative legislation, and the history of the country since 1860 demonstrates the necessity of such legislation under this clause of the Constitution. No one denies to the majority of the people of a State the right to change their fundamental law, but suppose by assent or aid of the governor or governor and Legislature of a State, with or without the aid of lawless men from other States, a State government is overthrown against the will of the majority and a new government founded, it being the only government in fact and republican in form after the revolution is accomplished. I submit that the probabilities are the United States could not interfere, although the majority of the people may be over-ridden and have a government fastened upon them without their assent. It will be recollected that this was done substantially about the breaking out of the late war in Tennessee and Arkansas, and perhaps other Southern States. The efforts of Governor Jackson, of Missouri, in this direction especially will be recollected.

Does any one doubt, if under this clause of the Constitution Congress had prior to 1860 enacted a law to punish invasion of a State for the purpose of forcibly overthrowing an existing State government and conspiracies or the attempt by force or violence to subvert or usurp a State government, and that there had been an early attempt in good faith by the United States to enforce such law—I say does any one doubt but the late civil war would have been prevented? Legislation should, if possible, be preventive in its nature; or, to use a phrase that every one understands, an ounce of prevention is worth a pound of cure.

It does appear to me that the power of Congress in the premises to affirmatively legislate cannot be successfully denied. But gentlemen may say there is no necessity for this legislation, for in the event of invasion of the State or the usurpation of a State government by domestic violence the United States shall afford protection on demand of the governor, &c. I am now putting a case where the governor is in the conspiracy and the Legislature is not in session; or where the governor, by assassination, imprisonment, or for any other reason, does not make application. Gentlemen may say that will not happen. In reply I call attention to facts. It did happen in many States at the breaking out of the war. Or, take the case of the attempted revolution in Louisiana a few months ago. The Legislature was not in session. If Governor Kellogg had failed to call on the President or had been imprisoned so he could not, or assassinated, had the United States no power to give relief in such cases? Is it pretended that Congress has no power to provide by general law to carry out the provisions of this article, even if the governor or Legislature are opposed to the enforcement of this provision of the Constitution?

If gentlemen are serious in this view, then this section of the Constitution means, according to their position, that the United States shall protect each of the States against invasion and domestic violence except where the governor is assassinated or imprisoned so he cannot call upon the President, or where he is unlawfully and forcibly using his position to revolutionize and subvert the State government, as in the case of Missouri and others of the States at the commencement of the late war; and in those cases and many others that may happen anarchy, revolution, and invasion, conducted by a few or many well-organized desperate men may run riot in a State, overawing the weak and timid and subverting the State government, and still the United States must sit idly by without power to afford relief. Such a construction of this provision of the Constitution would defeat the very object for which it was made. It is said by gentlemen, however, that the invasion spoken of is foreign invasion, and that the United States has no power to protect one State against invasion from another. I have no time to combat this position, nor is it necessary. I will merely refer to the opinion of Justice Story in his work on the Constitution, where it is laid down, among other matters, (section 1818,) in speaking of the meaning of this provision that—

The latitude of the expression here used seems to secure each State not only against foreign hostility, but against ambitious and vindictive enterprises of its more powerful neighbors.

The principal object of the bill under consideration, however, is to protect citizens of the United States residing in the different States in the right to vote, especially at congressional elections, in the enforcement of the thirteenth, fourteenth, and fifteenth amendments to the Constitution. These amendments are as follows:

## ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The history of the adoption of these amendments I have before referred to, and is fresh in the recollection of all; and while to my mind the grant of power by the constitution implies necessarily the duty to do all things by legislation or otherwise necessary to enforce the same, but let that be as it may here there can be no possible doubt, for each one of the amendments gives expressly to Congress the power to enforce the same by appropriate legislation. I have before shown the necessity of protection to both white and black citizens in the State of Alabama as well as other Southern States, provided a free ballot is maintained, and also the means that are being used to constrain or "abridge suffrage." Yet gentlemen talk about the want of power to give the protection, and the democratic press, and the so-called independent press talk about the attempted usurpation on the part of Congress in passing this bill. I suppose the independent democratic press gets information as to want of power from conservative gentlemen here, and the conservative gentlemen in turn get their information from the independent democratic press. I commend the gentlemen and the press to the Constitution; by its provisions I am willing that this bill should stand or fall.

By the blood of three hundred thousand brave men, by the expenditure of untold treasure, by a new charter of freedom as embodied in the constitutional amendments, the United States has decreed that the spirit of intolerance and bloodshed that grew out of slavery should be no more. A new name has been given to the recent slave. He is now called citizen, freeman, exercising in his own right, in common with all other citizens, sovereignty. The whole people are pledged to guarantee to him the free exercise of these rights upon the same terms as all other citizens enjoy them; and let me say to gentlemen who are lukewarm that the people have decreed that these pledges and guarantees shall be kept.

But the gentleman from Michigan [Mr. WILLARD] said ten years have now passed since the war closed and still there is anarchy, bloodshed, and confusion, and sometimes revolution too, down South, and as a cure-all cries stop these extreme measures and hold out the olive branch of peace to these people and let us have an era of quiet, peace, and good-will over all this country.

I always listen to my friend with pleasure; he talks well; he is a minister of the Gospel, for which I honor him. He is in favor of the millennium; so am I; but let me say to him that if as legislators we stand by and cry peace and good-will to all men, when red-handed murder stalks at noonday in Louisiana, portions of Alabama, and elsewhere in the South, finding victims both white and black by the hundred who are guilty of no crime except exercising their political rights under the Constitution, when we by prompt and proper legislation can stay this tide of evil, when the millennium arrives, these citizens may, in common with he and I, enjoy peace; but if they do, it will be the peace of the grave.

Mr. Speaker, I will call the gentleman's attention to the fact that the founder of our religion was crucified over eighteen hundred years ago. His teachings are the best the world ever saw, yet all the people of the world do not believe or practice them. What would the gentleman think if I were to say, "Sir, the Christian religion cannot prevail; it has been tried for eighteen hundred years and has failed to have a third part of the people of the world for its followers; compromise with infidelity; meet error half way." The gentleman would not advocate such a measure, for the moment the vital principles of Christianity are compromised in the least, Christianity ceases to exist with the parties that make the compromise.

By the plain provisions of the Constitution the rights of all citizens, black and white, are clearly defined. Let all the people, North and South, respect the rights of all men, and then you do not need an olive-branch. Any permanent compromise with lawlessness at the expense of the rights of a portion of the people not only would but ought to destroy the government that makes such compromise. And while the gentleman was talking about the extreme measures that had been resorted to against the South my eye by chance fell upon members on the other side of the House by the score who were in the civil and military service of the ex-confederacy, and I recollected that over seventy-six ex-confederate officers were to be in the next Congress so nearly upon us. I suppose this is a part of the harsh treatment the gentleman speaks of.



I now desire to speak of the thirteenth section of the bill, or what is known as the *habeas corpus* section. There is no section of the bill that has been so persistently misrepresented on this floor and by a part of the press as this; and from the manner in which intelligent gentlemen on this floor have discussed this question, I am reluctantly compelled to believe that with many there is no desire to have it fairly discussed, but on the contrary to misrepresent its provisions, making a man of straw to suit themselves and then knock him over; however, as a matter of policy, I prefer the section should be modified for reasons which will appear as I progress.

It will be noticed that before, by this section, the writ of *habeas corpus* can be suspended the resistance to the Government must be organized and armed and so powerful as to be able by violence to overthrow and set at defiance the constituted authorities of both the State and United States in the State, or when the constituted authorities are in complicity with or shall connive at the unlawful purposes of such powerful and armed combinations, and by reason of the premises the conviction of offenders in the courts and the preservation of the public safety shall become impracticable. And more than this, the district in which such state of affairs may exist shall be described by proclamation by the President; and still more, before the writ can be suspended proclamation shall be issued commanding such insurgents to disperse. Gentlemen say that under this power the President may suspend the writ whenever he chooses. This is not so, for by the very terms of the act the civil arm of the Government must be powerless before he can suspend the operation of the writ; and if the President should see proper to arbitrarily suspend the writ when the act does not authorize it, he would be liable to impeachment and removal from office. As well say, because the President is the highest executive officer in the Government and Commander-in-Chief of the Army and Navy of the United States, that he will use these powers to subvert the Government. In either case he might make the effort, but the power to impeach and remove from office by the House of Representatives and Senate exists under the same Constitution and laws that creates the Executive, and he is not more liable to attempt to disregard the law and Constitution in the one instance than in the other.

A lawyer by profession, I have some knowledge of the history of the writ of *habeas corpus*, and presume I am inclined to take a sufficiently conservative view of this and perhaps other questions; but I will remind gentlemen the very object of the writ is to secure the personal liberty of the citizen, and when the state of society is such as contemplated by the bill under discussion, then the use of the writ, instead of being the ally of personal liberty, becomes the ally of force, violence, and rebellion in their efforts to override and destroy the rights of the citizen. But gentlemen say, Why give the President this power to suspend the writ when in all the Northern States, and a portion probably of the Southern States, there is not now nor is there likely to be a state of society calling for its use? Or, in other words, there should not be legislation of this kind unless there is some present or threatened danger near at hand calling for its use. So far as the Northern States are concerned such present or threatened danger does not exist, and I am perfectly willing, in fact, would prefer, that the section should be modified so as to apply to a part of the Southern States, and for a limited time only, and that, too, where such danger is shown by actual investigation of this House.

As there are many valuable provisions in this bill other than the thirteenth section and some gentlemen have indicated to me a desire to vote upon an amendment to strike out the thirteenth section, I have offered an amendment to that effect, but will vote for the substitution for my amendment of that of the gentleman from Massachusetts, [Mr. BUTLER,] as he tells me he will modify it at the suggestion of the gentleman from Massachusetts, [Mr. HOAR,] which is to make the section apply only to the States of Arkansas, Louisiana, Mississippi, and Alabama and to be in force only until the close of the next Congress; and I believe the section so modified ought to pass, and I shall vote for it. And there is great propriety in making it apply to those four States; for while as bad a state of affairs may exist in other Southern States as in these, yet this House has by the testimony taken by four special committees and their reports become informed that the state of facts does exist in those States calling for this legislation.

Before I pass from this subject I want to call the attention of the House to the fact that the proposed section is more restricted in its provisions than a similar section of law that was approved April 20, 1871, (section 4,) for the purpose of suppressing the Ku-Klux organizations in the States lately in rebellion, under which I believe the writ of *habeas corpus* was only suspended in two counties, and which for the time being gave peace to almost the whole South. I also call attention that the section adopts the second section of the act of March 3, 1863, requiring prisoners to be turned over to the United States courts and if not indicted at the first term after their arrest then to be discharged.

Gentlemen on the other side say, however, why not leave this legislation to the next Congress? I will tell them, among others, for the reason that the House of Representatives in the next Congress is composed of many men, enough to make a majority, who the history of the last fourteen years shows will not favor legislation to secure the equality of all before the law, many of whom from the North the records of this House show to have done all they dared do to embarrass

the United States in putting down the rebellion, and many of whom from the South sought the life of the nation by war, and nearly all of whom, both from the North and South, have made war on reconstruction, upon the adoption of the constitutional amendments, and from time to time have opposed all legislation to insure a free ballot; who in 1871 first denied the existence of the Ku-Klux and their outrages, and if possible more bitterly denounced the Ku-Klux act than they do this proposed legislation; who have for ten years from time to time ignored, apologized for, or defended ostracism, proscription, riot, murder, and assassination; and who can only hope to get into power and control the United States by a united South, which is only possible by a reign of terror in many parts of the South, under which a free ballot cannot be had.

Who believes for an instant that under these circumstances any legislation would be had by the next Congress? But we are told that it is useless to pass this bill in the House, as it is so near the end of the session that it cannot be passed in the Senate on account of dilatory motions in that body that would be made to postpone it. I do not know how this may be. If the bill should fail in that way the fault will not be ours, the responsibility will not be on us. I believe the proposed law will give peace and protection to citizens throughout the country, and without it I believe violence and bloodshed will run riot in many portions of the South.

In conclusion, I want to say in all kindness to gentlemen, North and South, that in my opinion there neither can nor ought to be peace and prosperity until all citizens, as a rule, wherever they may be throughout the Union, are equal before the law in fact as well as in theory. And let it be recollected that he who constrains suffrage by intimidation or otherwise, (the people being sovereign,) commits a crime in its consequences akin to treason, sapping the very foundation of the Government, injuring not only the elector intimidated but all the people of the Republic.

At the conclusion of his remarks,

Mr. CANNON, of Illinois. How much time have I left?

The SPEAKER. Thirty-eight minutes.

Mr. CANNON, of Illinois. I yield that time, then, to the gentleman from Massachusetts [Mr. BUTLER] and the gentleman from Michigan, [Mr. CONGER.] I first yield to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I have sought the floor for the purpose of examining, as well as I may in the few minutes allotted me, one or two propositions of law. I have desired by the amendment I have sent to the Clerk's desk to be voted on to limit the exercise of the suspension of the writ of *habeas corpus* to those insurrectionary districts where armed and unlawful combinations exist too powerful to be controlled by the civil process, so that wherever in the Union such combinations shall be found, if it ever happens as it once happened in Massachusetts, where there was a combination too strong to be resisted by the civil power and then Massachusetts marched her troops in Shay's rebellion to put it down, then the writ shall be suspended. Indeed wherever troops march in battle array there the writ of *habeas corpus* is suspended *ipso facto*. Under the law of 1795, Washington was allowed to take all the militia of the United States and to put down the whisky insurrection in Pennsylvania. The writ of *habeas corpus* was not suspended by act of law, but the very act of war suspended the writ and because of that very fact.

Who shall determine where that state of insurrection exists? That power must be reposed somewhere, and the Constitution and the habits of our people and the laws of our country have always reposed that discretion in the highest officer, the President of the United States, surrounded by his cabinet of advisers and charged with the execution of all laws.

I do not think this power of suspension of the writ of *habeas corpus* need be perpetual or as long as this law exists, while I do think the other provisions of the act should be perpetual, and therefore I have sent an amendment, section 14, which shall limit it precisely as our fathers limited power in Washington to call out the militia and Army of the United States, and that was for two years, and thence to the end of the next session of Congress thereafter. The two years were evidently taken as a limit because Congress can make an appropriation for the Army only for two years under the Constitution.

Now what is the purview of this bill? The first section provides it shall be a crime for two or more to invade a State for the purpose of overthrowing its governmental institutions. My learned colleague on the Judiciary Committee from Vermont [Mr. POLAND] has told us he does not think that is within the power of Congress under the Constitution. He admits it is the duty of the United States whenever a State government is attempted to be overturned by armed invasion from without the State, whether by citizens of other States or others, to use the whole power of the Army and Navy of the United States to protect that State in its government. Well, then, is it not equally within our potency to declare the act by which this invasion is organized a crime, so that men may be deterred by these penalties imposed and therefore from bringing about such a state of affairs as would require such interposition of the General Government? Cannot we say—I speak now to gentlemen on the other side—cannot we say an expedition like that of John Brown, for instance, to overthrow the government of Virginia, is a crime against the United States? Can expeditions be organized on the right bank of the Mississippi in collusion with the State authorities there for the purpose of invading a State on the left bank of the Mississippi, and is this whole country to



remain powerless and see that expedition make head and arm itself without power to interfere by legislation with the inception? Cannot we provide by law that no such armed expedition, no such conspiracy against a State shall be organized; and if organized, is a crime?

That is the first section. The second section is, as I understand it, when there shall be an armed attempt by conspiracy within a State to make such armed overthrow of the government of a State, which we are bound to protect and guarantee shall not be done, shall be a crime. Cannot we do that? Is anybody's liberty interfered with by so doing? Is there any limitation upon the rights of the citizen in that? Has any citizen the right to do wrong? Has any citizen the right to conspire to overthrow a State?

Then passing by the third section, to which I have heard no objection, the fourth section provides that men shall not carry guns to vote with; that they shall not arm themselves to go to the polls, to the end there shall be a peaceable election. I do not understand why guns are required in order to vote. Nobody has to shoot his ballot into the ballot-box. Cannot we take away this means of intimidation? Cannot we say that this right of voting is a peaceful and not an armed right? Will anybody insist that men shall go to the polls with arms in their hands, inflame themselves with whisky and with passion, and then use those arms in riot and bloodshed? If it is done in Massachusetts, I want it stopped; if it is done anywhere else, I desire it stopped by being made an offense.

Then what is the other objection which my learned friend finds? He said by the fourth section we impose a duty upon State officers, and that under the doctrine of Briggs's case Congress cannot impose any duty on State officers.

Mr. POLAND. If the gentleman understood me to make any objection to the section prohibiting the carrying of fire-arms at elections he is mistaken.

Mr. BUTLER, of Massachusetts. I have passed that section and did not so understand the gentleman. I am now dealing with your objection that we cannot compel State officers to do any duty and impose penalties upon them if they fail to do it. A strictly State duty we cannot impose. But our Constitution foresees and provides for complex duties. The Federal executive government and its representatives are determined by the registration and deposition of the votes by the voters in the several States cast under State law. Such are the requirements of our Constitution. This House can only have its existence by votes under State laws by the Federal laws; and anything that affects the constitution of the House of Representatives of the United States is thus made therefore not only a State duty but a Federal duty, which a given man designated by State laws is to perform as well to his State as to the nation and as well to the nation as to the State. And therefore in that regard, when the State officer is registering the voters who shall determine the complexion and composition, the organization and members, of the House of Representatives of the United States—when he is doing that United States duty I claim the United States Government has power under the Constitution to regulate acts in that behalf and to keep him to his duty in doing that Federal duty which by accepting the State office which has this duty imposed upon it.

That is why I support the fourth section. I am, for want of time, only stating propositions rather than arguing them; and I propose to do it without any emotion, for I feel none on this subject. These are pure questions of constitutional law.

We now come to the section suspending the writ of *habeas corpus*.

Mr. SMITH, of New York. Before the gentleman passes to that, let me ask him a question to relieve a legal difficulty in my mind.

Mr. BUTLER, of Massachusetts. If you will be short about it, as I have so little time.

Mr. SMITH, of New York. Do not the first and second sections cover every possible overt act of treason? And does not the seventh section deprive the State courts of jurisdiction in cases of treason against the State government? Are we not undermining the criminal jurisdiction of the State courts?

Mr. BUTLER, of Massachusetts. By no means. In the first place I deny that there is any treason against one State by the citizens of another State going into it with armed forces to overturn it.

Mr. SMITH, of New York. But suppose they are citizens of the same State.

Mr. BUTLER, of Massachusetts. I am speaking now to the first section. One at a time. I shoot with a rifle, not with a blunderbuss.

The first section says that it shall be a crime for citizens of one State to enter another State with intent to invade that State. Those citizens of the other State owe no allegiance to the State they invade. John Brown owed no allegiance to Virginia when he invaded it. There was there no treason, no traitor, no betrayal. If a foreigner comes in in time of peace and resides in a State, he takes upon himself local allegiance; then he is bound as other men to allegiance to the State he inhabits. But if he attacks a State with arms in his hands, it may be murder if he shoots anybody, or a violation of other State laws, but it is not treason.

Now for the second section. The second section provides for the case of a conspiracy of men within the State to overthrow the republican government of the State. But there are two kinds of jurisdiction for the breach of this Federal duty as a federal citizen, which the Constitution of the country imposed upon the United States

Government to protect the State in that form of government. The offender may, if the law be so enacted, be punished in the United States courts for his breach of duty to the United States. For his breach of duty to the State under its laws he is to be punished under the laws of the State. And this is no new legislation.

Take the counterfeiting of the coin of the realm. That is both a crime against the United States and a crime against the State; and the State punishes the offender exclusively when it first gets hold of the criminal, and the United States punishes the offender exclusively when it first gets hold of the criminal; and he cannot be twice punished for the same act, because the provision of the Constitution against double punishment comes in.

Mr. SMITH, of New York. The State courts have no jurisdiction to punish counterfeiting the coin or bank-notes, except it be given by express statute.

Mr. BUTLER, of Massachusetts. The law against counterfeiting United States bank-notes covers every case of counterfeiting bank-notes.

The United States has exclusive jurisdiction when they choose to exercise it, but the courts of every State in the Union furnish the same thing under State laws, and they have exclusive jurisdiction of the case when they get hold of the criminal.

But, sir, I must pass on, for I have but eight minutes. I must come now to the suspension of the writ of *habeas corpus*.

Mr. SMITH, of New York. Allow me to ask the gentleman one thing more. I do not understand that the State courts assume jurisdiction for the counterfeiting of United States notes or its coin except where given by statute of the United States.

Mr. BUTLER, of Massachusetts. O! my dear sir; instead of interrogating me go and read the statute laws of some one of the States.

Mr. SMITH, of New York. That is not the law in regard to bullion and coin.

Mr. BUTLER, of Massachusetts. It is the law in regard to bullion and coin, and more than that, in regard to Spanish dollars. Go and read the statute-book of any State and you will find it so; everybody knows that. I have defended men and prosecuted them both under State statutes and under the statutes of the United States for having counterfeit United States coin in possession with intent to defraud. We ought not to be here now discussing elementary principles of law.

Now in reference to the writ of *habeas corpus*. What is the effect of suspending the writ of *habeas corpus*? I will tell you what the effect is. It is not when the writ is suspended every man must be tried by a military commission or court-martial. My colleague, [Mr. PIERCE,] to whom I listened with great care in his maiden speech, as I always do listen to maiden speeches to see what there is in the men who make them, undertook to tell us that the suspension of the writ of *habeas corpus* allowed every citizen to be tried by court-martial. Pardon me; a court-martial tries no civilian, although they may be tried by military commission under certain specified circumstances. A court-martial tries no civilian except under a special act of Congress against contractors for military goods; but the effect of the suspension of the writ is that wherever a man is arrested by a military officer or soldier, and while the prisoner is so held for the purpose of being brought before the United States court so that the United States court can get hold of him, no judge shall issue a writ of *habeas corpus* and take him out of the custody of that officer or soldier, who is not holding him to punish him himself, but to bring him to the United States court for punishment. That is the effect of the suspension of the writ; and I will tell you the necessity for it, which comes more from this cause than from anything else. If a military officer arrests a man, he, if he is true to his duty, will hold him at all hazards. Now, if a State court, when a military officer has arrested a man, issues a writ of *habeas corpus* to take that man out of his hands, the State or civil officer who serves the writ may take the *posse comitatus* with him to carry out his rescue. That military officer will resist, and then comes a conflict; and it is to prevent that class of conflicts that this provision for the suspension of the writ of *habeas corpus* is desirable, so that all conflicts of jurisdiction may be avoided in the insurgent States where actual war has not supervened. It is simply for the purpose of enabling the military officers to perform their duty and to prevent those conflicts which the issuance of a writ of *habeas corpus* by a court would bring on.

Mr. POLAND. Will the gentleman allow me to ask him one question?

Mr. BUTLER, of Massachusetts. I will, because the gentleman was kind enough to allow me to ask him one.

Mr. POLAND. Was it not repeatedly decided and is it not now the settled doctrine that a State court has no jurisdiction to issue a writ of *habeas corpus* where a man is under arrest under United States laws?

Mr. BUTLER, of Massachusetts. By civil officers.

Mr. POLAND. Was it not repeatedly decided during the war that there was no jurisdiction in the State courts to discharge persons who had been wrongfully enlisted?

Mr. BUTLER, of Massachusetts. While the writ of *habeas corpus* was suspended.

Mr. POLAND. But it was in States where the writ of *habeas corpus* was not suspended.



Mr. BUTLER, of Massachusetts. Where was that?

Mr. POLAND. Was it suspended anywhere in New England?

Mr. BUTLER, of Massachusetts. Yes; and in Maryland, which was a loyal State.

Mr. POLAND. I had occasion, occupying at the time a judicial position, to have several cases brought before me where men had been improperly enlisted, and I became satisfied that I had no jurisdiction in the matter, and not upon the ground of the suspension of the writ of *habeas corpus*.

Mr. BUTLER, of Massachusetts. That stands upon an entirely different principle. I am sorry my friend did not carry his judicial investigation far enough to ascertain that.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I would like five minutes more.

Mr. CANNON, of Illinois. How much time have I left?

The SPEAKER. The gentleman had thirty-eight minutes; and the Chair has divided it precisely in the middle.

Mr. CANNON, of Illinois. I will yield five minutes more to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I am obliged to the gentleman for his courtesy. The gentleman from Vermont [Mr. POLAND] will see that his cases rested upon the ground of a contract. The enlisted man had signed the Rules and Articles of War. To-day you would hold such a man as an officer or soldier of the United States; not as a civilian arrested by an officer of the United States; that applies to an entirely different condition of things. All these things are plain and easy if you will only look at them without emotion in the clear light and logic of the law.

I want to say again that the great advantage of suspending the writ of *habeas corpus* is that it allows the military officer, when he arrests a man that rides at night, to take him to the marshal and have a complaint made against him and hold him until he can get him before the court.

One word more, and I will pass from this discussion, and perhaps forever. I sat here, at the risk of my health and life, twenty-odd hours, through the long watches of the night, fighting to bring this bill before the House for consideration against the filibustering motions of the other side, believing it to be my duty so to do. There were men of the republican majority who chose to go to their beds and take their rest. They now come in here and are very anxious that this debate shall be continued and of extending the time for debate to the factions minority.

At midnight we lost an opportunity of getting on with the bill because we wanted one of a quorum. The gentlemen on the other side, as they had the power to do—and I do not blame them for the exercise of that power—refused to vote, and so broke up a quorum and postponed the bill twelve hours. But what shall we say of the republicans who were in their beds, or at dinner, or frolicking somewhere, while we were wearing out our lives in order to meet this great exigency of the country? They are now very anxious to go on with this debate in the last hours of the session. Not only are they anxious to have the debate for themselves, but that our filibustering friends on the other side shall have ample time to debate. If the minority had only debated the bill through that twenty hours, they would have talked themselves out entirely; they would have had full opportunity for debate. That is why I think it best to be not overcourteous to them in that regard just now. I observe that all the courtesy comes from gentlemen who were at home sleeping with their wives at night while I was here with the true men standing to our duty.

Now let me tell those gentleman that if by their conduct they have allowed the minority to stave off this bill so that it is too late to pass it at this session, when they shall hear of a church burned, or a man being murdered at the South, and shall see his widowed wife and orphaned children—

Mr. ELDREDGE. I insist upon order being maintained. We cannot hear what the gentleman is saying.

The SPEAKER. Gentlemen standing in the aisles will please resume their seats.

Mr. BUTLER, of Massachusetts. I hope this does not come out of my time.

After a pause,

The SPEAKER said: The gentleman will proceed.

Mr. BUTLER, of Massachusetts. When they hear the shriek of "murder" and see the widowed wife and orphaned children coming north, fleeing from the white-leaguers and Ku-Klux raiders, I trust their sleep will be as sweet as it was on that night when I was standing here for the safety of these poor creatures, at the risk of health, and they were at home sweetly sleeping. When they hereafter meet a widow of some murdered soldier from the South who asks for alms, do not send them to me, but let them give all that is necessary to sustain that poor creature themselves. Let each one of them say to that starving widow, "I am sorry that I did not stand up and defend you by the passage of a proper law; I am responsible; you need not trouble General Butler; he did sit up, and he has got to pay his physicians' bills and I have not, and I will take care of you."

And hereafter, Mr. Speaker, when you meet in Augusta, Maine, or in some other beautiful town in that State some poor, wretched refugee who went down South with his knapsack on his back and remained there—a carpet-bagger, if you please—until he was driven

out for want of a law to protect, and he complains that you did not pass the law, tell him that parliamentary law required you to allow the democratic minority to control us, the republican majority, for hours, so that the golden opportunity was lost; that you were sorry for it; and be very sure to say at the same time, "What can I do to relieve you?" You never will forget to do that, I am sure.

Gentlemen of the House of Representatives, the question of life and death for hundreds of true men, black and white; the question of good government, anarchy, of peace or war, in my judgment, is to be decided now and here by our votes. Let us have no delay.

#### ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 455) for the relief of William M. Kimball;

An act (S. No. 459) for the relief of William D. Patton; and

An act (S. No. 674) to relieve D. C. Anderson of political disabilities.

Mr. PENDLETON, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 4833) to declare the true intent and meaning of the twentieth section of an act passed by the Legislature of Dakota, passed January 14, 1875, entitled "An act making the conveyance of homesteads not valid unless the wife joins in the conveyance;" and

An act (H. R. No. 4841) to provide for the sale of desert lands in Lassen County, California.

#### SECURITY OF ELECTIONS, ETC.

The House resumed the consideration of the bill for the security of elections, &c.

Mr. CANNON. I now yield to the gentleman from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, in the limited time allotted to members in this debate I hardly know how to approach a subject which all will recognize as one of the most important that has come before this Congress. There is no disguising the fact, that in its consideration we have all experienced feelings of anxiety, hesitation, and doubt. But we cannot escape action upon it if we would. It stands before us and we must dispose of it. We are at the parting of the way; we must proceed along one road or the other. The one we take here to-day may lead up to prosperity and peace, and it may lead down to disaster and ruin. For one sir, whatever may be the result, or whatever the consequences to myself personally or politically, I shall give the benefit of the doubt to the side of humanity, to the cause of the downtrodden and oppressed, to the staying of red-handed outrage, to the vindication of law, to the preservation of peace, to the building up of self-reliant manhood, and to the full protection of the humblest American citizen though he have his home in the remotest corner of the Republic. Sir, the government that does this, whatever may be its form or its name, attains the highest object for which governments are instituted among men; and the government which fails, or neglects to do this, I care not what its pretenses may be, falls short of the very object and end for which all human governments exist.

Mr. Speaker, we have never yet had, and we shall not have in this country a government which even begins to realize the object for which ours was ordained, namely, "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," until the citizens of each State and of all the States can pass freely to and fro, select their domiciles where they will and avow their sentiments as they please, unawed by the assassin's knife and unterrified by the rifle or revolver which sends the deadly bullet crashing through their houses in the night-time, and fills the air with shrieks of horror and distress. But what "justice" is that where law is defied, where courts are overthrown, where judges are sent fleeing for their lives under the cover of night? And what "domestic tranquillity" is "insured" where unarmed and defenseless men can be shot down on their own door-sills, and the missiles of death sent whistling through the beds of sleeping children? And what "blessings of liberty" are secured where men are hunted like wild beasts to the canebrake; their houses robbed; their wives and children terrified; their fields laid waste; their cattle, horses, and mules driven off, and no offender brought to justice, and no attempt made to restore to them the property of which they have thus been despoiled? Sir, a government which permits these things to be done, and to continue, without furnishing a remedy for their correction, not only fails in the highest functions of government, but to these poor victims it becomes a mockery and a curse.

But what amount of power shall be exerted to guarantee to all the blessings of republican government? I answer, Let the power be measured by the full protection of the citizen, and let him not suffer by the fact that he stands under the flag of his native soil rather than in a foreign land. Sir, the legal aspects of this bill have been so clearly and cogently presented by the gentleman from Massachusetts [Mr. BUTLER] and others that I have no desire to pursue that line of discussion even if I possessed the ability and had the time to do so. I simply desire to call attention to a few extracts from the decision of the United States Supreme Court in the Louisiana



Slaughter-house cases, 10 Wallace, showing the object for which the thirteenth, fourteenth, and fifteenth constitutional amendments were adopted and indicating the source from which Congress derives the power to protect the colored man in his newly acquired rights. The court say:

The most cursory glance at these articles discloses a unity of purpose when taken in connection with the history of the times which cannot fail to have an important bearing on any question of doubt concerning their true meaning.

Speaking of the thirteenth amendment they say:

The word *servitude* is of larger meaning than *slavery*, as the latter is popularly understood in this country, and the obvious purpose was to forbid all shades and conditions of African slavery!

Passing on to the fourteenth amendment the court say:

Among the first acts of legislation adopted by several of the States in the legislative bodies which claimed to be in their normal relations with the Federal Government were laws which imposed upon the colored race onerous disabilities and burdens.

They were in some States forbidden to appear in the towns in any other character than menial servants. They were required to reside on and cultivate the soil without the right to purchase or own it. They were excluded from many occupations of gain, and were not permitted to give testimony in the courts in any case where a white man was a party. It was said that their lives were at the mercy of bad men either because the laws for their protection were insufficient or were not enforced.

The court, after saying that the gentlemen who had conducted the Federal Government safely through the crisis of the rebellion, being convinced that constitutional protection was necessary for this unfortunate race, proceeds:

They accordingly passed through Congress the proposition for the fourteenth amendment, and they declined to treat as restored to their full participation in the Government of the Union the States which had been in insurrection until they ratified that article by a final vote of their legislative bodies.

A few years' experience satisfied thoughtful men who had been the authors of the two amendments that notwithstanding the restraints of those articles on the States, and the laws passed under the additional powers granted to Congress, these were inadequate for the protection of life, liberty, and property, without which the freedom of the slave was no boon. They were in all these States denied the right of suffrage. The laws were administered by the white man alone. It was urged that a race of men distinctly marked, as was the negro, being in the midst of another and a dominant race, could never be fully secured in their persons and their property without the right of suffrage. Hence the fifteenth amendment, which declares that—

The right of a citizen of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude.

The negro having by the fourteenth amendment been declared to be a citizen of the United States, is thus made a voter in any State of the United States of the Union.

Thus, Mr. Speaker, it will be seen that the thirteenth amendment emancipated the slave, but virtually left him an outlaw; the fourteenth amendment clothed him with citizenship; and the fifteenth gave him the right of suffrage. The three combined raised him to the dignity of a man, and invested him with the rights, the privileges, and immunities of a citizen. The court say:

On the most casual examination of the language of these amendments no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been suggested. We mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly made freeman and citizen from the oppression of those who had formerly exercised unlimited dominion over him.

We do not say that any one else cannot share in this protection; \* \* \* but what we do say, and what we wish to be understood, is, that in any fair and just construction of any section or phrase of these amendments it is necessary to look at the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy, and the process of continued addition to the Constitution until that purpose was supposed to be accomplished as far as constitutional law can accomplish it.

Here, Mr. Speaker, we are brought face to face with our duty to protect by every constitutional means this class of citizens; and the only question here to-day is, will we perform this duty or will we shirk it? Will we protect these men or will we leave them to be overborne and butchered? That, sir, is all there is of it. If we will not or cannot protect them, then let us say so. Let us admit that our system of government breaks down at this vital point; but let us prate no more about the "equal protection" of all men under the law; let us talk no longer of the glories of free institutions if, under them, unoffending citizens can be more cruelly persecuted than in Austria or Russia.

This bill seeks to guard more effectually the purity of the ballot-box. If protection cannot be afforded in this way, how can it be? If the sacred right of choice through the ballot-box may be ruthlessly trampled under foot, what vestige of free government remains in this country that is worth preserving? Sir, I have heard much said about the sacredness of constitutions and the danger of familiarizing the minds of the people with the suspension of the writ of *habeas corpus* upon slight pretext of danger, and I have felt the force of all this; but back of all constitutions, back of the great writ of personal liberty, back of free institutions themselves, stands this sacred right of the citizen to the free, unfettered expression of his choice at the ballot-box. This is of the essence of things; these others its form and product. Tamper with this, and you poison the stream at its source. A mob cannot get up a republican government. Any schemer can draught a constitution republican in form, but until the

will of the people has breathed upon it, there is no life in it; and to give it vital force, that will must be free, not expressed under intimidation, force, or fraud; so free, that not only will the boldest feel secure, but the timid realize that he is protected in the free declaration of his choice.

Pardon me, Mr. Speaker, if I say I think it is not so much the familiarizing of the minds of the people of this country with the fact that the writ of *habeas corpus* may be suspended in order that violence, robbery, and murder shall be put down as it is the lesson so rapidly being taught them that men may tamper with the ballot-box, intimidate the voter, mutilate and forge returns, and "count in" their men regardless of the choice of the electors, and if by any means he shall procure a certificate of election, his party friends will sustain him, no matter how accursed the processes by which he attained his end. It is this which is sapping the foundations of representative government in this country. I do not say that a *de facto* State government irregularly established and sustained more or less by force or fraud may not sometimes be recognized as a necessity or in the interest of peace, especially where the power of the General Government to interfere is doubtful; but I do say that whenever this occurs there is a triumph of the mob spirit and a direct invitation to a repetition of the offense, the frequent recurrence of which is only necessary to unsettle the whole constitutional Government. It is to remedy these things and to throw around the ballot-box additional guards and guarantees that the present bill has been proposed and brought forward. As to the necessity of its passage or the fact of the existence of intimidation, outrage, and violence in the South, there is and there can be doubt. That the better class of southern people either instigate or approve of these atrocities I neither assert nor believe; on the contrary, I am well convinced that in many instances they deplore them. But such is their firm belief in the natural inferiority of the negro and his unfitness to participate in public affairs, and such their accustomed habit of exacting from him instant and unquestioning obedience, that whenever he asserts the right, assumes the dignity, or exhibits the pride and spirit of a man, he arouses within them the hottest resentment, and they seem possessed only of the desire either to rule him or rid themselves of his presence. Let him dare to oppose force to force, and the feeling which was before held in restraint now rises to a fury.

I have said, sir, that the better class of southern people neither instigate nor approve of these acts of cruelty; and I reiterate it. But are they any the less responsible? Let them say the mere word, and from that hour these outrages would cease. Suppose the case reversed, and these same atrocities were being perpetrated by the blacks upon the whites of the South. How long would it be before the country would be aflame, before United States troops would, if need be, garrison every town and hamlet of the South, and do it, too, not only with the approval but by the direct request of the people of the North? Is this an inconsistency? Ah, sir, it is not the first inconsistency which has burrowed itself in this painful subject. But what are these outrages, and what the evidence of their existence, or of the necessity for the passage of this bill? Sir, could twelve of the witnesses who testified before your investigating committee at Vicksburgh stand there at the Clerk's desk and tell their plain but terrible story in the presence of this House, I should be quite content to submit the question of fact to a silent vote. We can indeed reproduce their words; but mortal man can never reproduce here or elsewhere the sad, submissive, but uncomplaining manner in which they testified. To the honor of human nature be it said that the roughest spirits present were awed for the moment by the ghastly story of their wrongs, while the better class of citizens were not less horrified than the members of the committee themselves. As these poor creatures cannot speak in person here, let some of them speak from the printed pages of the testimony:

MATILDA FURMAN (colored) sworn.

Question. Was your husband killed in Vicksburgh?

Answer. Yes, sir; on Cherry street.

Q. When?

A. On Monday—on the Monday we had a fuss here.

Q. Have you any family?

A. Yes, sir.

Q. Any children?

A. Yes, sir.

Q. How many?

A. Four of us. Of the family, my husband had one child of his own, and his step-child by his other wife. That was before he lived with me.

Q. Have you any children of your own?

A. I have, sir.

Q. And you have all the family together now, his children and your children?

A. Yes, sir; all together.

Q. They were living with you when he was killed?

A. Yes, sir.

Q. When was he killed?

A. On the Monday that they had the fuss here in town.

Q. Did you see him killed?

A. No, sir; I didn't.

Q. Where did you find him when he was killed?

A. I found him out on Cherry street, just beyond a colored lady's by the name of Mrs. Campbell.

Q. Had he been shot?

A. Yes, sir; he was shot.

Q. How many balls—more than one?

A. I do not know.

Q. Where was he shot?

A. In through here, [indicating.]

Q. Right through his waist?

A. Yes, sir.

Q. He was dead when you found him?  
 A. Yes, sir; he was dead when I found him.  
 Q. Was he in the fight himself that day?  
 A. No, sir; he had no arms at all.  
 Q. Did you leave home with him at the time he was shot?  
 A. I left home with him. He went to get some money.  
 Q. How far did you go with him?  
 A. I live on Magnolia street, and I went down until we got in Cherry street, and then I started after my washing, and he started to go in another direction to get his money. Soon after this I was told that my husband was shot, lying up there on Cherry street, dead. And I walked up a piece. They told me to "go to Crosby and Ames for that political carcass."  
 Q. Who told you that?  
 A. I don't know who it was. It was a white man.  
 Q. Did they mean your husband?  
 A. I had then got to him, and was lying down on him.  
 Q. It was while you were down by your husband that they told you to go to Ames and Crosby for the political carcass?  
 A. Yes, sir; right there by him; and they were white men that I seen in town, though I didn't know them. I asked them to please help me.  
 Q. What did you want to do?  
 A. My husband was there, and I wanted him taken home. It was all that I could do.

AMBROSE BROWN (colored) sworn and examined.

Question. What is your name?  
 Answer. Ambrose Brown.  
 Q. How old are you?  
 A. I do not know, sir.  
 Q. How old do they call you?  
 A. About fifty-two or fifty-three; I have got my age at home.  
 Q. Do you live here in Vicksburg?  
 A. Yes, sir.  
 Q. Where?  
 A. Just a little below Mr. John A. Klein's house, in his bottom there.  
 Q. What do you do for a living?  
 A. Running a dray and farming in the summer.  
 Q. Were you in the city on that Monday when that trouble occurred?  
 A. Yes, sir; I walked up on the corner of South and Washington streets at the time of the ringing of the bells.  
 Q. Did you have any trouble that day?  
 A. Yes, sir; I did.  
 Q. Tell us all about it.  
 A. When I got up there on the corner of South and Washington streets, opposite Doctor O'Leary's drug store, Captain Cowan came riding up. Says he, "You God damned son of a bitch, get off this pavement. If you don't, I will blow the top of your head off." Says I, "Captain, I don't see no harm to walk on the pavement." He drew his pistol—bang!—and that quick shot me; and I never opened my mouth except to say what I did. I was sort of staggered, and another man standing opposite of me when he shot me, named Bill Vick, grabbed me by the arm and took me home. By the time I got home my shoe was full of blood as it could be.  
 Q. Where were you shot?  
 A. I was shot on the left shoulder.  
 Q. Was Captain Cowan on horseback?  
 A. Yes, sir. I did not believe he would shoot. I knew enough not to sass him, and did not do it.  
 Q. Who was with you at that time?  
 A. William Vick.  
 Q. Is he a colored man or white man?  
 A. A colored man.  
 Q. And he took you home?  
 A. Yes, sir. \* \* \* The minute that I replied back to him that I did not know it was any harm to walk on the pavement, he out with his pistol and went—bang! I don't see how he missed Bill.  
 Q. Did the shot go through your shoulder?  
 A. O, no, sir; the ball is in there now—right in here, under the collar-bone. I sent for a doctor. It was some two or three days before I could get any doctor; and, in fact, I could not get any until I sent to young Mr. Doler to come. He went and got Doctor Hunt; and he probed for the ball; but it had been there so long he said it was not worth while to try to get it out. And he could not get it without cutting the arteries, there, close to the backbone; and it might cut some of the arteries of the neck. And he advised me not to let any one else try it.

Mr. Speaker, as I have said, the words of this old man can be reproduced here; but the pensive look and quivering voice with which he told his simple story cannot be reproduced. He was not arrested, as he might have been had he been showing resistance. He was scarcely warned, but was shot down in an instant. A defenseless old man shot like a dog in the streets and miles away from any actual conflict. Ah, sir, life is cheap! too cheap in some parts of the South.

EMILY BOYD (colored) sworn and examined.

Question. Is your name Emily Boyd?  
 Answer. Yes, sir.  
 Q. Are you married?  
 A. Yes, sir.  
 Q. Where do you live?  
 A. I live out on the place that they call Cook's place, out the Jackson road. It sets off from the Jackson road.  
 Q. How far from the town?  
 A. About eight miles.  
 Q. Is your husband living?  
 A. No, sir.  
 Q. When did you know of his death?  
 A. That Monday.  
 Q. When the trouble was here?  
 A. Yes, sir.  
 Q. At what time did he leave home?  
 A. He left in the morning with the rest of the colored men who were coming in town.  
 Q. Now just tell me who, if you know who, was it that brought that party into town. Who was the leading man among you folks out there?  
 A. I do not know, sir. We heard of it at church. It was given out at Freetown church on Sunday that the men were all to meet here on that Monday to salivate Peter Crosby in his seat.  
 Q. You mean to help him?  
 A. Yes, sir.  
 Q. Did your husband go along with them?  
 A. Yes, sir; he was with those men.  
 Q. At what time of the day did he leave home?  
 A. After breakfast.  
 Q. How many of them came?

A. I do not know how many on my place.  
 Q. When did you see him again?  
 A. I never saw him until Thursday. We came up on the road that morning and helped pack the men out of the hollows on Thursday.  
 Q. You came out after the men?  
 A. Yes, sir; we women packed them out of the hollows.  
 Q. How many dead men did you find down there?  
 A. I never seed but four, with my husband.  
 Q. Do you know who they were?  
 A. Mingo Green, Joe McGrant, and Wash. Tinsey.  
 Q. And your husband?  
 A. Yes, sir; that made the four.  
 Q. Where was he hit?  
 A. He was hit through the hand, and then shot through here, [pointing to the breast.] And his mule we never got. We women took these four bodies back.  
 Q. Why didn't any men go with you from home?  
 A. They were in the woods; there didn't anybody come but we women; the men said they were afear'd to come; and we women come and got them ourselves. We got them to dig the grave, and they put one of the men watching until they dug the grave.

Let it be remembered that for four days these bodies lay bloated and festering in the open country, near the public highway, and within four miles of the court-house at Vicksburg.

Mr. ELDREDGE. Will my colleague allow me to ask him a question in this connection?

Mr. WILLIAMS, of Wisconsin. Certainly, if it is not too long.

Mr. ELDREDGE. It will be very short. My friend lives in the county of Rock, one of the strongest republican counties of the State of Wisconsin. Does he remember the occasion when a man who had been tried by the courts there was taken from the custody of the sheriff and hanged to a tree right in the midst of that great moral and republican community?

Mr. WILLIAMS, of Wisconsin. I remember it well, although I was not there at the time; and I remember equally as well that the leading men of that city and of Rock County did their very best to prevent this outrage; that this was nineteen years ago, and nothing of the kind has recurred there since.

A MEMBER, (on the democratic side.) So do we try to prevent them.

Mr. WILLIAMS, of Wisconsin. So do you! Yes, so you say. But if you denounce such outrages why can they not be stopped?

A MEMBER. They will be.

Mr. WILLIAMS, of Wisconsin. Thank Heaven for that. But I will proceed:

LOUISA BANKS (colored) sworn.

Question. Where do you live?  
 Answer. Out on Jackson road.  
 Q. How far out from the town?  
 A. Three and a half miles, I reckon, on Mr. Bay's place.  
 Q. Have any of your family been killed lately?  
 A. Yes, sir.  
 Q. Who has been killed?  
 A. My husband and son.  
 Q. Where?  
 A. Right out from my house.  
 Q. What day?  
 A. Monday.  
 Q. What time of the day?  
 A. I reckon between ten and eleven o'clock.  
 Q. How old was your son?  
 A. Eighteen years.  
 Q. Now tell us how that happened?  
 A. All I can say, a gentleman rode up to where my husband was standing right outside the door, and they told him to come out immediately, and he went out, and they asked where was his son, and he said in the house; he told him to call him out, and he called him out.  
 Q. What was done then?  
 A. We had a pistol there, and they asked for it; they struck at him with a gun and ran him back in the yard behind a hay-stack, and he ran down the hill, and they shot him.  
 Q. That was your husband?  
 A. No, my son; they had my husband holding the horses until they shot my son, and when they came back they made him tie the horses and told him to walk out, and ten or fifteen yards from my door they shot him.  
 Q. Who did this?  
 A. I do not know, sir.  
 Q. How many of them were there?  
 A. Five of them.  
 Q. Were they on horseback?  
 A. Three of them on horseback and two on mules.  
 Q. Do you know anything about a fight had there on Jackson road?  
 A. I heard them shooting up there, and that was all I know.  
 Q. Was this after that?  
 A. Yes, sir.  
 Q. Your husband and son were in your own house.  
 A. Yes, sir; in my own house.  
 Q. Had they been away that morning?  
 A. No, sir; my husband had not left home, for they said every man who staid at home attending to his business they would not hurt them.  
 Q. Had your son been out?  
 A. No, sir; not on the road, that I know of. We sent him down to cut some wood that morning, and when he heard such a fuss on the road shooting he came into the house, and his father told him to stay in the house and nobody would hurt him.  
 Q. You had heard somewhere that people who staid at home would not be hurt?  
 A. Yes, sir.  
 Q. Did they get off their horses when they came in?  
 A. Two of them got off and the other three staid on their horses.  
 Q. What was the first thing they said?  
 A. They just came up and hollered to my husband to "come out here," and said they were going to settle this thing that day.  
 Q. What did he say?  
 A. Never said anything, but went right up to them.  
 Q. What did they say to your son?  
 A. They asked him for the pistol, and they got the pistol up there in the house; it was lying up a loft; a white man reached up there and took it down.  
 Q. Then did they say anything else to your son?



A. No, sir.  
 Q. Where did he go?  
 A. He went on through the house. A man urged him on with a gun, and he ran through the house and he ran after him.  
 Q. Did the man go through the house, too?  
 A. He did, sir.  
 Q. How far from the house was he shot?  
 A. Just right out behind the house where he was shot at; then he ran down the hill about fifty yards.  
 Q. Was he shot at more than once?  
 A. Twice.  
 Q. Did the first shot hit him?  
 A. Hit him right in his back.  
 Q. Where did the second shot hit him?  
 A. Right in here, [indicating the breast.] He was lying flat on his back, and the hole was right in here.  
 Q. They shot him after he fell?  
 A. I suppose they did, by that.  
 Q. Did the men say anything after that?  
 A. Never said anything; only told us women to go into the house and shut the door.  
 Q. Was your husband holding the horses?  
 A. Yes, sir; while they were shooting his son; and then they made him tie the horses and told him to walk out.  
 Q. What was their language?  
 A. "You tie them horses and walk out here."  
 Q. How far did he walk from where he tied the horses?  
 A. About ten or fifteen yards.  
 Q. And then what did they do?  
 A. Nothing; but just shot him right down.  
 Q. More than one shot?  
 A. No, sir; one shot, right through his neck.  
 Q. What did they do then?  
 A. Jumped on their horses and told us to go into the house and shut the door.  
 Q. What did they do next?  
 A. Just came up the road.

Mr. O'BRIEN. Let me ask the gentleman a question.

Mr. WILLIAMS, of Wisconsin. How much time have I left?

Mr. WILSON, of Indiana. Does the gentleman from Wisconsin know of anybody being punished there for such crimes?

Mr. WILLIAMS, of Wisconsin. Certainly not.

Mr. O'BRIEN. Let me state that at that time war was existing in the streets of Vicksburg, brought on by the republican governor of the State of Mississippi, against the white men of that city, who stood in defense of their homes and their families and their most cherished interests.

Mr. WILLIAMS, of Wisconsin. Hold on, my friend, or there will be no time left for any of us. Let me ask the gentleman from Maryland [Mr. O'BRIEN] if eight days after, when three men were taken into a hollow, their brains knocked out, their throats cut, their ears cut off, their bodies left on the public roads to be further mutilated, if that was the state of war to which he refers, and if not, will he tell us, as he was on the committee, if anybody has been arrested for that outrage? When Buck Warrall, the next day after this Monday fight, miles away from the city, was driven from his own house by armed men and fled to Mr. Edwards, his employer, for protection, and was driven out by the female members of the family and shot dead at the door-yard gate in the presence of his frightened wife—was that the state of war to which my friend from Maryland [Mr. O'BRIEN] refers?

Mr. O'BRIEN. You ask me a question; let me answer it. Will the gentleman give me an opportunity to answer the question he put to me?

Mr. WILLIAMS, of Wisconsin. If the House would consent and it did not come out of my time, I should not object if you popped away at me all day, because these things are in the testimony; they are God's truth, and the gentleman knows it.

Mr. O'BRIEN. Then if you will not, I will answer it when I obtain the floor.

Mr. WILLIAMS, of Wisconsin. Now that I have more time than I thought I had, notwithstanding these interruptions, I will read from this volume of testimony which I hold in my hand, as these witnesses tell their story far more eloquently than I can. And if there be no objection, I will insert such portion in my remarks as I have not time to read. Now let us see about this man Warrall:

PEGGY WARRALL (colored) sworn.

Question. Where do you live?

Answer. On Mr. Edwards's plantation out in the country.

Q. How far from the city?

A. I do not know how many miles—eight miles.

Q. What road is it on?

A. On the Jackson road.

Q. Are you married?

A. Yes, sir.

Q. What is your husband's name?

A. His name is Buck Warrall.

Q. Where is he?

A. They killed him.

Q. Who killed him? Tell me about it.

A. He run up to the house, to some white folks' house, for them to defend him, and they had him took out of the yard and shot.

Q. What day was that?

A. On Tuesday.

Q. Did you see them when they shot him?

A. Yes, sir; he was standing right out there in the road.

Q. You saw them when they shot him?

A. Saw them when they shot him down.

Q. Who shot him?

A. Alex. Hebron shot him. I was looking right at him.

Q. What did he shoot him with?

A. Shot him with his gun.

Q. Did you hear them say anything to him?

A. They had been up there to the house asking for him, and they had him taken out of the yard and shot.

Q. What did they say when they shot him, or before they shot him?

A. I never heard what they said to him before they shot him.

Q. Where had he gone from when he went up to Edwards's?

A. He went from his house.

Q. What did he go to Edwards's house for?

A. For them to friend him; and they drove him out toward the road, and told them white fellows to take him out there, not to shoot him in the yard, but to take him outside the gate, and they didn't care what they did with him; and they carried him outside the gate and shot him down; and he laid out there for two nights and two days, and the dogs ate his face and head all off before we women could bury him. There was nobody to bury him but the women, and we buried him the best way we could.

ALEXANDER HEBRON SWORN.

Question. It has been sworn here in testimony that this man Warrall, running away from the pursuit of these men, entered Edwards's house, and was driven out by Martha Edwards, and that upon his being driven out of the house and out of the yard, you killed him with your shot-gun.

Answer. No, sir; I did not.

Q. Was he killed at that time, if at all?

A. No, sir.

Q. You have no knowledge about his being killed?

A. No, sir.

Q. What day was it that you were at Edwards's house?

A. On Tuesday.

Q. What time on Tuesday?

A. I don't know.

Q. About what time?

A. I have no idea. It was about noon or afternoon.

Q. Who were these men that you found there that had this man Buck Worrell?

A. There was Mr. Couch and Mr. Darden. There were several others, I think.

Q. Are there any others in that party that you know?

A. No, sir.

Q. You say they took this man out about three hundred yards?

A. They were about that distance from the house when I left them.

Q. While you were there he was not killed?

A. No, sir.

Q. Did you hear shots before you got away?

A. I heard firing.

Q. Right there where you left them?

A. No, sir; I didn't hear firing where I left them.

Q. Was not the man killed?

A. They said he was.

Q. Who said he was?

A. I heard several of the company.

Q. That same party?

A. No, sir; I didn't hear the same party; I heard some men say so afterward; I just went around and came up back, and I heard several men say afterward that the man was killed.

Q. You don't know where he was killed except by information?

A. No, sir.

Q. Was it reported in your company that he was killed?

A. That is what I heard.

Will any one claim that this poor woman's story is not substantially true, or will it be pretended that this is a product of the "outrage-mill?"

ISAAC MOSELEY (colored) sworn.

Question. Where do you live?

Answer. I lives out beyond—you may say between the two roads—between the Benton road and the Milldale road.

Q. How far from town?

A. About nine miles.

Q. How old are you, do you suppose?

A. I am said to be fifty.

Q. How long have you lived there?

A. This coming May, thirty-three years.

Q. How long have you lived in the county?

A. Ever since 1844; ever since I came to this country.

Q. Do you know of the killing of any black men?

A. I never seen none.

Q. Do you know of any found killed?

A. Yes, sir; Joe Cook, out beyond by Banks's, and George Shepard, and Emanuel Tooles, who lived on Mrs. Widow Black's land. George Shepard, he lives on Bill Wadleigh's place, about a mile and a half from here.

Q. Did you see the dead bodies?

A. Yes, sir; I seed them.

Q. When did you see them first?

A. About a week before Christmas.

Q. Were these all colored men?

A. Yes, sir.

This was the week before Christmas; remember the "war" was the 7th of December; and these men were killed during that week, and buried the week before Christmas.

Q. You understood they were taken there to be killed?

A. Yes, sir.

Q. Do you know who took them there?

A. I will tell you; the man that sent for George Shepard, that was Captain Hogin. For at the time that they went to George Shepard's house George said to Mr. Harris, "What do you want of me; you are going to kill me!" He says, "O, no, George; I am not going to kill you; I just want you to tell me all about what you were doing on the Jackson road." And they took George Shepard there. Captain Wilmore, who lives on Oak Ridge, he came to my house hunting round on Sunday.

Q. Hunting arms?

A. Yes, sir.

Q. The Sunday after the fight in Vicksburg?

A. Yes, sir.

Q. What did he say?

A. I asked him his name, and he told me. I told him, "What are you going to do with George," and he said he was not going to do anything with him, only he wanted him to tell what he knew. "We are not going to kill him at all; I am going right back." And when I turned round they had went back and had taken George up to Mrs. Fox's and Mr. Burns's store, and they killed him. Bill Wadleigh went up there (he lived with Bill Wadleigh) and asked if they would turn him loose, and they said they would; and Captain Hogin, he went off; and Captain Reed went off; and Captain Alexander Hogin went off; and then the other men took George and carried him off and killed him. Captain Alexander Hogin went for him (George Shepard) in the night.

Q. You saw all these three men lying dead within about fifty yards of each other?

A. Yes, sir.

Q. What day did you see them after that Sunday?

A. I saw them on Wednesday.

Q. What kind of a place were they in?

A. There was cane on one side of the road.

Q. Were they in the cane?

A. George Shepard was lying right in the road, and the others right on the side of the road.

Q. Next to the cane?

A. Yes, sir. Their wives had gone up there and got them taken up and buried.

Q. And you say you think they had been killed?

A. Yes, sir.

Q. How?

A. George Shepard on this part of the head [indicating forehead] was shot off, and old man Joe Cook was shot through the neck and his throat was cut. Emanuel Tooles' throat was cut. George Shepard was shot through the head; his head was shot all to pieces.

Q. Was his brain coming out?

A. Yes, sir.

Q. And Cook had his throat cut?

A. Yes, sir; he was shot, and then his throat was cut.

Q. Where was he shot?

A. Up near his neck here, [indicating.]

Q. How was the other one, Tooles, shot?

A. He was shot near about the same way, and his throat was cut, and then his ears were cut off, and Cook's ears were cut off. We had a terrible time of it out there. I could not stay in my house at night.

Q. You think that there are colored men hiding yet?

A. Yes, sir; they are afraid now to come home to their families. I heard them say—I ain't going to tell you nothing that I didn't hear—I heard them say these words myself, that they wanted to kill off all the colored men; then they would take the women and put them to work, and make them do what they pleased with them.

Q. Are the colored folks out where you live afraid to be at home after this?

A. No, sir; I don't know after this; but some of them did not come in Christmas, and if they come in they slip out nights, for the men did not stop riding down there.

Q. The men did not stop riding?

A. No, sir.

Q. Had not stopped riding until Christmas?

A. Yes, sir. I know I lived out in the country, up the road about two miles, and every night I could hear them going up by my house, and I was scared, and when I heard them coming my dog would bark, and I pulled up my floor, and I would roll out under the floor.

Q. You would go out through the floor?

A. Yes, sir; and go up in the hollow to the cane.

LUCINDA MITCHELL (colored woman) sworn.

Question. Where do you live?

Answer. Out on Fort Hill here, next to Mr. Chappel's place?

Q. In the city here?

A. Yes, sir; in the city.

Q. Did you live there at the time that this trouble was here in Vicksburg, in December?

A. I have been living there three years the 3d of January.

Q. Did you know of any colored men killed in that neighborhood?

A. Yes, sir.

Q. Who was it?

A. An old crazy man, Tom Bidderman.

Q. Did you see it?

A. I saw it.

Q. Tell me what you saw?

A. I saw them kill him. When they rode up to the gate the old man was sitting on the gallery; he goes and opens the door and goes out on the gallery, [stoop,] and then goes back in the house and shuts the door to. They opens the door and asks him if there was any guns inside. He said there was one. They says, "Then I want it;" and the old man said, "You can't have it; it is mine." And he shut the door. The white man says, "God damn you; I can break it down." He pushed the door open and shot him. The first shot went in his right side and the second right in his right shoulder; and the other load went in his head.

Q. At whose house was it?

A. Murray Thomas's.

Q. Was he a pretty old man?

A. Yes, sir; I have known him for six or seven years, and he always seemed to be crazy; and made his living hunting and fishing. He had a basket of squirrels sitting in the house for Mr. Thomas to sell next day for him.

Q. What time was this?

A. I don't recollect the day of the month. It was Tuesday night.

Q. What time in the night?

A. About nine o'clock.

MURRAY THOMAS (colored) sworn.

Question. Where do you live?

Answer. I live out here on the cemetery road; on the Yazoo Valley road.

Q. Inside of the town?

A. Inside of the corporation.

Q. The same place that this woman has been testifying to?

A. Yes, sir.

Q. What do you know of a man named Bidderman being killed in your house?

A. Tom Bidderman was killed in my house.

Q. State what happened there that night. First, where did you go?

A. I was standing in the road, and I heard some shots fired up at my house, and I heard my wife holler, and one of the gentlemen who was there observed to me, "Where is that shooting? It is somebody shooting up there at your house." I says, "Gentlemen, it is no person shooting there except some of those men."

Q. When you came into the house did you see the old man?

A. Yes, sir; he was lying right down one side of the house.

Q. Was he inside of the house?

A. Yes, sir; he was inside of the house. The balls passed through into the other room, and came near killing my two children.

Q. In which room did you find the old man?

A. Into the first room; the front room.

Q. Where were your two children sleeping?

A. Just into the back room.

Q. Where did you say the ball had gone?

A. I do not know whether it was the first, or second, or the fourth; but one of the balls came that near the children, [indicating;] it went into the lower room, and went through the partition of the house, and over my children's bed, and went out again into the air.

Q. Were you a soldier in the United States Army?

A. Yes, sir; in the Fifty-second United States.

Sir, ours is the Government for which this poor man fought, and the above is the kind of protection which we give him in return. Let it be remembered that this was twenty-four hours after the fight; and that the perpetrators of this murder were no straggling desperadoes, but a band of sixty mounted men, officered and under command, filing up the street. If it be said that officers cannot always control the excesses of their men, then why have not these offenders been arraigned and punished under some law, civil or military? The answer is too obvious. The purpose is to strike terror deep into the hearts of the colored people and deter them from asserting their rights either as men or citizens; and while the better classes of whites would not advise these outrages, there is no public sentiment which demands their punishment.

NICEY HILLIARD (colored) sworn.

Question. Did you live in Vicksburg at the time this trouble was here?

Answer. I lives out here about half a mile, as near as I can come at it, over the breastworks.

Q. Did you have a husband at that time?

A. Yes, sir.

Q. Did you know of his being killed?

A. I found him dead.

Q. Had your husband been out in the fight that day?

A. No, sir.

Q. Was you at home that day?

A. No, sir; I was not at home; because when I saw the men coming I was scared, and he was there, and he said, "Nicey, take the children and go;" and he said the white people were shooting, and we could see it. I was sick and scared too. I took my children and went away from the house, and I got about as far away as from here to Washington street, I reckon, and I saw Handy going to put the calf up. I said, "When you put the calf up, you come on, too." I kept going on and looking back, and I ain't seen him come yet.

Q. Did he have any gun or any kind of weapon?

A. No, sir; he did not have any arms, because he said he was going to get out of the way, and we were all scared. I was so scared I hardly knew what to do.

Q. He was trying to tie up the calf and then come to join you?

A. Yes, sir.

Q. You did not see him killed?

A. No, sir; I did not see him killed, but heard the guns when they went off; but I did not know it was him.

Q. Where did you go with the children?

A. We went a piece to the other side of my plantation.

Q. In'to the woods?

A. Yes, sir.

Q. How long was you there?

A. We were not there very long before they got scarce and then we came out.

Q. And when you came out you found him?

A. Yes, sir.

Q. Where was he shot?

A. Just right here in his left breast, [indicating.]

Q. What was his name?

A. Handy.

Q. How many children have you?

A. Three children.

Q. When did you bury him?

A. I never got the chance to bury him until Wednesday. I had to come to town to get the paper, and did not get back until near night, and did not have time to do anything.

Q. Did you bring him in a wagon?

A. No, sir.

Q. What did you do?

A. He was so close to my house, I took him up to my house.

Q. Who got him to your house?

A. Two men.

Q. Two colored men?

A. Yes, sir.

Q. You got him into the house that Monday night?

A. Yes, sir; it was after dark before I could get any one to take him up.

Sir, you may read again all the stories of pathos, whether found in prose or poetry, and whether you find it in the tender love and touching fidelity of the "Slave of Martinique," when—

Sadly looks he, deeply sighs he; 'tis the Haytian sail he sees,  
Like a white cloud of the mountains, driven seaward by the breeze.

Or the angelic and devoted Evangeline, as—

She pressed once more the lifeless head to her bosom;

Meekly she bowed her own, and murmured,

"Father, I thank thee!"

Or wherever it be, whether in legend, song, or story, you shall never see more pathos compressed into one sentence than you would have seen could you have beheld this poor, simple, ignorant woman as she described herself fleeing across the fields with her children, and heard her say:

I kept going on and looking back, and I ain't seen him come yet!

Mr. Speaker, this sad catalogue of wrongs might be continued, but I must not trespass further upon the time of the House for this purpose. I will cite only one or two other cases from the majority report of our committee:

A poor old man, Mingo Green, very old, and so decrepit that he was compelled to support his steps with a cane, a local exhorter of some note, chanced to meet a party of these patrols and was put to death and left lying in the road with the top of his head cut smooth off; or, as the witness expressed, "the whole inside of his head showed white like a china bowl."

The case of Anthony Mack deserves some notice. This man was charged with commanding the party that killed Vaughn. A warrant was issued for him; he was arrested in Yazoo County, and delivered to two men, one of whom was Hogan, to be brought to Vicksburg for trial. On the way these worthy officers of the law killed their prisoner, but the place and manner of his death are not known.

From all the information before us, the committee find that in the whole affair two white men—Brown and Vaughn—appear to have been killed, and twenty-nine blacks, more than half of whom were deliberately put to death in cold blood. How many more are missing and unaccounted for, lying in the cane, it is impossible to ascertain. One of the witnesses stated that we (the committee) never could find out; "but we watch where the buzzards hover, and there we find the dead men."



So great had been the loss of order, and so unrestrained were the worst elements in Vicksburg during the three days from the 7th to the 9th, that the best people of the city, the very men who had been original leaders in the movement, dreaded that violence would be offered to the judges both of the law and chancery courts, and made arrangements with Mr. Rigby, president of the railway, by which a special train was secretly prepared to start from the round-house nearly half a mile from the depot, to take these officers of the law out of the city and out of the power of the mob. Carriages were procured and the judges taken by back streets to the waiting train, put in cars carefully darkened, and sent off with instructions to engineer and conductor not to stop till they reached Jackson. Such was the state of affairs in Vicksburg under the rule of the mob; such will be the case in any other place where law is overthrown and the violent rule of irresponsible men substituted for orderly government.

Sir, I have heard something here about the "bayonet submitting to the ermine." I think it would have required a pretty lively chase for the bayonet to have submitted to the ermine of that eventful night. Now, Mr. Speaker, I have not cited these instances of cruelty to claim that the white people at Vicksburg acted wholly without provocation. There are two sides to this question as to all others. That adventurers had foisted themselves upon the people, that taxes had been high, that some colored official had been corrupt in office, cannot be disputed. But the great mistake of all was in seizing upon Crosby, the sheriff, who was shown to have been guilty of no offense, and, with the courts open and unobstructed, with ample, legal, and peaceful remedies at hand, invoking the spirit of the mob and letting loose upon the negro population the fiercest passions of men.

Sir, it has been with a view to trace the working of these and the consequent terrors excited in the minds of colored people that I have alluded to this matter, rather than with any intention of entering upon a critical review of the general facts of this case, which would require far more time than I am permitted to occupy. It will readily be seen that, with this spirit of dread and apprehension in the air, with the habit of control which the white man possesses on the one hand and of submission on the part of the blacks on the other, it would not require the drawing of revolvers at the polls or around registration boards to intimidate colored voters. The men from whom you fear assassination or a deadly assault may never have drawn a weapon or uttered a threat. Yet if from some subtle cause you fear he may fire through your windows in the night or assail you from a dark alley, your dread of him is far greater than it would be to meet him in open combat.

Such I think is the feeling throughout the South, a sense of insecurity and dread on the part of the blacks well calculated to deter them from the free exercise of the elective franchise. The answer heard more frequent than any other from men when invited to come forward and tell all they knew was, "Well, we have to live here with our families." Now, sir, if these matters were confined to a single outbreak or to a single locality like that of Vicksburg, they might be classed with those tumultuous uprisings to which all communities are subject. But when you place behind them the firm belief on the part of the white men of the South that the negro is unfit for self-government and utterly incapable of improvement, and add to this a fixed determination to control him at all hazards, and to this the further fact that this feeling is spreading all over the South, encouraged no doubt by the results of the recent elections, no man can doubt that if the negro is not to be utterly subdued and crushed out politically, every possible protection and support must be thrown around him. That the colored race are advancing in intelligence, the acquisition of property, and a knowledge of public affairs in this country is too plain for cavil. Mr. McGee, a native of the South, and a young man of culture and great force of character, testified before the committee on this point as follows:

Question. In your opinion, are the colored people of this county anxious to acquire a knowledge of the political affairs of the country?

Answer. Yes, sir; I think so.

Q. In your opinion do they try to learn their duty as citizens?

A. I believe they do; that is my impression.

Q. They have their bad teachers?

A. Sometimes; and they "whoop them up" terribly when they find it out.

Q. When they find out that they have bad doctrines, do they still follow them?

A. No, sir.

Q. As a class, do they ask and desire instruction?

A. I believe as a class they do; I believe that they are a progressive people.

Q. You think as a people they are growing more intelligent?

A. I do.

Q. Better fitted to perform the duties of citizens?

A. I believe the colored school-children will compare very favorably with the white school-children.

Q. Do they learn easily?

A. Very quickly.

Q. Have you ever known among the colored people, as a class, from any information you have ever received, any desire to form armed associations for any purpose "aggressive?"

A. I have not.

Q. Upon the rights of whites or anybody else?

A. No, sir; I have not.

Q. As far as you know, is that ever taught in their meetings?

A. I have never heard anything of the sort.

Q. You say you were born here?

A. I was, within fifty miles of this city.

Q. Are the colored people, as a class, better informed and more intelligent and better educated year by year since they were freed?

A. I think they are, sir; I think their advancement in civilization and education is remarkable.

Q. That is a fact generally conceded?

A. Yes, sir.

Q. From your own observation, are they, as a class, as a body of people, anxious for education and improvement?

A. Yes, sir; noticeably so.

Q. Do their children attend school generally and promptly?

A. They do, sir.

Q. And eagerly, I will add?

A. Yes, sir.

Q. Are any of them accumulating property?

A. Yes, sir; I know a good many colored men who have bought land, a considerable amount, and made their money themselves; I could name quite a number.

Q. You stated that you knew most of the colored people who owned land in the county?

A. I believe I do.

Q. Name them.

A. I cannot say; perhaps the most of them. I know quite a number.

Q. Name all you can.

A. John Jones, William Jones, Cebren King, Elias Jones, David Jones, Henry Kent, Louis Kent, B. B. Lewis, George W. Boyd, Caesar Hogan, Sandy Mitchell, W. T. Montgomery, B. T. Montgomery, Isalah Montgomery; and that is about all I can think of at present. But I believe I could name a hundred others who own land in the city and land outside. Those are some of the largest that I have named. The men whom I have named own thousands of acres. Two I named, perhaps, own more land than anybody else in the county.

But I must pursue this subject no further. Gentlemen of the South, it remains for you to determine what the result of all this shall be. I have stood but twice upon your soil. I have met many of you in the political and social walks of life in this city, and I joyfully bear testimony to your generous hospitality and your genial ways. But upon you, and you alone, rests the fearful responsibility of saying whether these outrages shall continue or whether they shall cease altogether; whether peace shall in fact dawn upon this country or whether war with all its woes shall afflict it again. Reactionary measures cannot help you. This is a young and vigorous Republic; it will take no step backward. You might as well attempt to gather up the blood spilled upon the ground in our late strife as seek to reunite the scattered fragments of the old order of things. Shattered as by the hand of Omnipotence, nothing short of Omnipotence can ever restore it again. Your millions of people, advancing in intelligence, progressing in influence, gathering to themselves landed property, enjoying the sympathies of the civilized world, and aspiring to the full dignity, rank, and power of American citizens, are not going to step down to any lower level. Neither are the American people going to consent that they shall.

Gentlemen, if you do not indorse this spirit of violence and outrage in the South—and we cannot believe that you do, and we do not charge that you do—why is it that you do not rise up in the full majesty of that chivalric spirit which has ever been accorded to you and say, "These things shall be so no more?" Let the leading men of the South do this, and these outrages cannot survive a single day. Let them determine that these disorders shall cease; let them give the colored man a fair chance in the race of life; let them encourage him in acquiring property and protect him in its enjoyment; let all men be secure in the full and free avowal of their sentiments, whether religious or political; let the large landed estates be divided into such tracts as can be most profitably cultivated; let capital feel that its home is in the South, and that its possessor shall be neither socially nor politically ostracized—in short, gentlemen, let every energy be put forth to develop and build up the better rather than the baser elements of human nature, and we will then shake hands, not across a "bloody chasm," but across a country teeming with life, filled with the blessings of peace, and crowned with a prosperity such as no other land has ever seen beneath the sun. Grant us this, and we will consent that the suspension of the writ of *habeas corpus* may be dispensed with forevermore.

[Here the hammer fell.]

Mr. DAWES took the floor.

Mr. COBURN. I gave notice I should at this time call the previous question, and I now rise for that purpose. I have no objection to the continuance of this debate.

Mr. DAWES rose.

Mr. COBURN. Wait a moment until I can explain. I am urged by gentlemen all round to demand the previous question in view of the shortness of the session. A while ago, when interrupted by the Speaker, I intended to say I was willing the gentleman from Mississippi [Mr. LAMAR] should have some time if the same time were allowed to gentlemen on the other side, but that I would not take the responsibility of passing by the expiration of the hour of the gentleman from Illinois, [Mr. CANNON,] because there is such urgency and such lack of time.

Mr. SHANKS. Let us have the question.

Mr. COBURN. The Arkansas and Louisiana questions are still pending, two appropriation bills still remain, with an enormous amount of other business, and on this question of Louisiana and Arkansas there may be ample opportunity for the gentleman from Mississippi and gentlemen on all sides to make such remarks as they may desire. Therefore, in view of the condition of things in this House, I feel it my bounden duty now, at the expiration of the hour of the gentleman from Illinois, to demand the previous question.

Mr. E. R. HOAR. Is the gentleman from Indiana willing to consent to a separate vote on the first and second sections.

Mr. COBURN. I am willing to allow his amendment to be considered as pending.

Mr. SPEER. I wish to say one word. The gentleman from Wisconsin has made his remarks in reference to the investigation at Vicksburg and has asked leave to print. We did not object. I understand his speech will appear on the Vicksburg affair.

Now surely if that is so it is nothing more than fair and proper that the other side should be heard; and if the gentleman from Mississippi wishes—

Mr. PARKER, of Missouri. Let the gentleman print his speech.

Mr. SPEER. I have no speech to print.

Mr. PARKER, of Missouri. I mean the gentleman from Mississippi.

The SPEAKER. The gentleman from Indiana admits the amendment of the gentleman from Massachusetts to be pending.

Mr. COX. I have an amendment I wish to be admitted—the general amnesty bill as a substitute for the whole bill. I give notice that I will move that if I have the opportunity.

Mr. SHANKS. That is what ails the country now, that we did pass the general amnesty bill.

Mr. BECK. I rise to a privileged motion. Pending the demand for the previous question—

Mr. DAWES. May I ask the gentleman from Indiana if he proposes to allow further time for debate after the previous question is seconded?

Mr. COBURN. An hour.

Mr. DAWES. Then I understand that after all this time has been occupied by the members of the committee the gentleman from Indiana, the chairman of the committee, begins again and announces to the House that he will occupy another hour in whatever way he pleases, farming it out to whomever he pleases.

Mr. WARD, of Illinois. He has the right under the rules.

Mr. BURROWS. And that is the usual practice under the rules of the House.

Mr. COBURN. If the gentleman from Massachusetts [Mr. DAWES] has ever acted otherwise himself I would like him to show it.

Mr. BECK. I move to suspend the rules and put upon its passage the bill which I send to the desk.

Mr. COBURN. I have not yielded the floor.

Mr. WILSON, of Indiana. I make the point of order that the motion of the gentleman from Kentucky cannot be entertained.

Mr. BECK. I desire to be heard a moment on that.

Several members called for the regular order.

The SPEAKER. On the point of order the Chair will hear the gentleman from Kentucky.

Mr. BECK. We are in the last four days of the session, and being a portion of the closing six days when motions to suspend the rules are in order at any time. This bill is not before the House on a motion to suspend the rules, as has been assumed, but is before the House in its regular order, the resolution having been offered by the gentleman from Alabama [Mr. HAYS] in the morning hour on Monday when the rules could not be suspended to pass anything under a two-thirds vote.

Under the ruling of the Chair, uniformly made, when any bill is before the House as the regular order during the last days of the session, the regular order can be taken off the floor by a motion to suspend the rules; which was done, as is shown by the record which I hold in my hand, when the gentleman from New York [Mr. WOOD] took the gentleman from Massachusetts [Mr. BUTLER] off his feet when he had a bill similar to this. I know gentlemen have been going on the assumption that this bill is before the House on a motion to suspend the rules. That is a mistake as a matter of fact.

Mr. COBURN. But the gentleman does not propose merely to suspend the rules but to suspend me from my feet.

Mr. BECK. I propose to suspend the rules and all the proceedings on this bill. And I have a right to do it, unless all the uniform rulings of the Chair have deceived me.

Mr. TREMAIN. I understood the Chair to say distinctly, and no man dissented, that when these privileged reports were under consideration the gentleman could not be taken from his feet during the last six days of the session on a motion to suspend the rules; that this was a privileged matter, of higher privilege than an ordinary motion to suspend the rules. And in addition to that a motion has been made calling for the previous question on this bill, and the gentleman making that motion was upon his feet.

Mr. BECK. No; he had submitted the motion.

The SPEAKER. The Chair directs the Clerk to read the order made yesterday morning by general consent.

The Clerk read as follows:

By unanimous consent,

Ordered, That the reading of the Journal is waived, and the Committee on Appropriations shall have this day until five p. m. for the consideration of the sundry civil bill, and a recess to be taken from five to half past seven, at which last hour House bill No. 4745 shall be taken up for debate only, the previous question to be called on the same when ordered by the House.

Mr. BECK. Now, Mr. Speaker, there was no unanimous consent to go any further than to make the effort to call the previous question. I reserved all further rights yesterday, and protested against anything more.

The SPEAKER. What is the point of the gentleman from Kentucky?

Mr. BECK. I was on the floor yesterday morning insisting on making this motion then. But the question was whether the bill should be debated last night and to-day up to the time when it was sought to call the previous question; no right being waived to make this antagonizing motion.

The SPEAKER. Was it the understanding of the gentleman from Kentucky that the order that "the previous question shall be called

on the same when ordered by the House"—that that was to be nugatory, impossible of fulfillment?

Mr. BECK. The point agreed upon was that the bill might be debated up till to-day, and the previous question might be called if it could; that was the expression.

The SPEAKER. But if the Chair should rule that the gentleman from Kentucky can move to suspend the rules, then the motion to suspend the rules could be repeated, and of course everybody will see that the agreement would amount to nothing.

Mr. RANDALL. So far as the agreement was made, I desire to say that it was the understanding of both sides that no right to either side would be lost or interfered with.

The SPEAKER. The Chair never heard a word about the agreement until it was read at the Clerk's desk. He holds the original agreement in his hand, and for the sake of having it perfectly understood he will direct the Clerk to again read it.

Mr. RANDALL. And I ask that the proceedings in reference to it be also read from the RECORD.

The Clerk read as follows:

By unanimous consent the reading of the Journal is waived, and the Committee on Appropriations shall have this day until five o'clock p. m. for the consideration of the sundry civil bill, and a recess to be taken from five o'clock to half past seven o'clock, at which last hour House bill No. 4745 shall be taken up for debate only, the previous question to be called on the same when ordered by the House.

Mr. RANDALL. Now I ask that the Clerk read from the RECORD what occurred in relation to that agreement.

The Clerk read as follows:

Mr. MILLIKEN. I object.

Mr. GARFIELD. I move to suspend the rules, so as to adopt that proposition.

Mr. MILLIKEN. I withdraw my objection.

Mr. COBURN. I desire to make this suggestion: that the previous question shall be considered as ordered at one o'clock on the following day.

Mr. ATKINS. I insist that the House shall come to order; it is impossible for any one to hear what is going on.

The SPEAKER. To restore order, the first thing is for members to resume their seats.

Mr. ATKINS. If they will do that, then everybody can hear what is going on.

Mr. GARFIELD. I ask the gentleman from Illinois to change his resolution so as to make it read "the sundry civil appropriation bill, and other appropriation bills."

Mr. RANDALL. You cannot get through with the sundry civil bill before five o'clock.

Mr. GARFIELD. But we may want to send the Indian appropriation bill to a conference committee, and other small bills.

Mr. RANDALL. My judgment is that the sundry civil bill will take the whole day.

Mr. BECK. I desire to make a parliamentary inquiry. I do not object to going on with the appropriation bills or to taking a recess, but I claim the right and do desire to move to suspend the rules, as I think I have a right to do, to set aside the hearing of the bill now about to be taken up; I do not desire to waive that right.

Mr. RANDALL. Any right the gentleman may have of that kind will not be interfered with by this agreement.

Mr. HURLBUT. This must either be done by unanimous consent or not by unanimous consent.

The SPEAKER. Is there any objection to the proposition of the gentleman from Illinois [Mr. HURLBUT]?

Mr. GIDDINGS. I object.

Mr. COBURN. I would like to say—

The SPEAKER. The gentleman from Texas [Mr. GIDDINGS] objects to the proposition. There is no need of discussing it.

Mr. GARFIELD. I move then to suspend the rules and adopt the proposition which has been read.

Mr. COBURN. What I want to say is this: I do not propose to call the previous question at any time during the session of to-night, but I expect to call it at an early hour to-morrow.

The SPEAKER. The proposition of the gentleman from Illinois [Mr. HURLBUT] is not before the House.

Mr. GARFIELD. I move to suspend the rules and adopt that order.

Mr. BUTLER, of Massachusetts. Can the reading of the Journal be interrupted for this purpose?

The SPEAKER. The Chair thinks that it is competent for the House to suspend the reading of the Journal and at the same time make an order.

Mr. BUTLER, of Massachusetts. My inquiry is whether this motion of the gentleman from Ohio [Mr. GARFIELD] can come in to the interruption of the reading of the Journal. I do not object. I only want the ruling of the Chair as to whether we can interrupt the Journal to make an order of that kind.

Mr. RANDALL. I would like to know whether there is objection to the proposition of the gentleman from Illinois?

The SPEAKER. The gentleman from Texas [Mr. GIDDINGS] objects.

Mr. COX. I hope my friend from Texas [Mr. GIDDINGS] will withdraw that objection.

Mr. RANDALL. I understand the gentleman from Texas to object to the explanation of the gentleman from Indiana, [Mr. COBURN,] not to the proposition of the gentleman from Illinois.

Mr. DURHAM. I rise to a question of order. I cannot hear anything that is going on.

The SPEAKER. Nor can the Chair.

Mr. CESSNA. Is it not in order for me to appeal to the gentleman from Illinois to modify his proposition, so as to say "appropriation bills" instead of "the sundry civil appropriation bill?"

The SPEAKER. That is not of the slightest practical consequence.

Mr. CESSNA. I presumed I had the right to make the inquiry of the Chair.

Mr. COX. If we had order this thing could be arranged amicably.

The SPEAKER. The Chair will not submit any proposition till there is order.

Mr. GIDDINGS. I withdraw my objection.

The SPEAKER. If there be no further objection, the arrangement proposed by the gentleman from Illinois is made. The Chair hears no objection.

Mr. SENER. I move to reconsider the action just taken, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COBURN. I wish now to make a statement in relation to calling the previous question. I propose to-morrow at one o'clock, or as soon thereafter as practicable, to call the previous question.

Mr. COX. You cannot get consent to that.

Mr. COBURN. I only give this notice. I do not undertake to bind anybody by the announcement.

Mr. GARFIELD. I now move that the House resolve itself into Committee of the Whole to resume the consideration of the sundry civil appropriation bill.



The SPEAKER. Now, under that order up to this time the plans as laid out in it have been followed. There was no objection made excepting to granting the gentleman from Indiana [Mr. COBURN] to have the hour fixed for ordering the previous question, and the gentleman from Kentucky [Mr. BECK] interposed the remark that he would attempt to do what he is now trying to do.

Mr. RANDALL. And following that I made the statement, which was not contradicted either by the Speaker or by any member on the floor, that any right he would have of that kind would not be interfered with by this agreement.

Mr. BECK. If that had not been the understanding I should have refused to waive my right to make this motion.

Mr. ELDREDGE. I desire to make this suggestion, that it seems to me from the reading of the agreement and the arrangement made that all which has been done up to the present time is consistent with it. But that agreement goes no further than the time when the previous question can be called, and that whatever rights existed previous to the agreement that was entered into were the same at the point of time reached when the unanimous consent ends, and that is the point of time when the gentleman from Indiana [Mr. COBURN] calls the previous question.

The SPEAKER. The Chair thinks that the language of the agreement is so entirely plain that it is not susceptible of two constructions. It was that yesterday up to five o'clock should be spent in the consideration of the sundry civil appropriation bill, and that a recess should be taken from that hour until half past seven o'clock. That was so absolute that the Chair relieved the Committee of the Whole from a motion to rise and took the Chair at five o'clock. The agreement further was that there should be debate at an evening session on the bill No. 4745; but no agreement was made as to the time when the previous question was to be called. That is the way the Chair reads it; and he thinks that is the only way in which it can be read. There was no agreement as to when the previous question was to be called. Therefore no gentleman is bound to vote for it by reason of any understanding as to the time at which the gentleman from Indiana [Mr. COBURN] would call the previous question. That, the Chair thinks, is the understanding of the gentleman himself, that there was no time at which the House agreed the previous question should be called.

Mr. COBURN. There was no time fixed.

The SPEAKER. It was left wholly in the control of the majority. If the Chair should give the construction to this order contended for by the gentleman from Kentucky [Mr. BECK] and the gentleman from Pennsylvania, [Mr. RANDALL,] then he must say, without endeavoring or wishing to use language which would seem to be disrespectful, that it would appear that the Chair and the majority of the House had both been entrapped; that there was a concealed trick in the wording of the resolution. This the Chair does not and cannot believe.

Mr. ELDREDGE. The proposition came from the other side.

The SPEAKER. It makes no difference where it came from. It came by the agreement which was proposed by the gentleman from Illinois, [Mr. HURLBUT.]

Mr. RANDALL. Just there let me make a statement. The resolution, as originally submitted, provided that the previous question should not be called sooner than one o'clock. In my judgment that was a humiliation to the minority as well as an interference with their rights, and I so stated, if my memory serves me rightly, to the gentleman from Illinois, [Mr. HURLBUT,] who submitted it to me. By agreement that was stricken out, and a change made so that the humiliation or reflection upon the minority should not be in the agreement. And it was in accordance with that change that I made the remark which I did in reply to the gentleman from Kentucky, [Mr. BECK.]

The SPEAKER. If the gentleman from Pennsylvania will allow a question by the Chair—

Mr. RANDALL. Certainly.

The SPEAKER. What was the gain, what was the arrangement worth under that construction of it?

Mr. RANDALL. It secured debate and facilitated the passage of the appropriation bill.

The SPEAKER. Yes; but what is the use of securing debate upon a measure if it is never to be allowed to come to a vote?

Mr. RANDALL. It was the intention that the same rights that then existed against the bill under the rule should continue to exist whenever we reached the point for their exercise. And we thereby avoided the reading of the Journal, which would have taken probably five hours. Now, my clear conviction as to the effect of that agreement was, and I so stated in as terse language as it could be stated, that the gentleman from Kentucky [Mr. BECK] would lose no right whatever, and that statement met with no contradiction on the other side.

Mr. GARFIELD. I desire to say here—

Mr. BECK. Allow me to say a word, as a remark has been made indicating that there was a trick somewhere.

The SPEAKER. No; the Chair did not say so.

Mr. BECK. I want to say that there was no trick and no concealed purpose on my part, for I declared then, as the record shows, that I intended to move to suspend the rules, as I had a right to do, and did not desire to waive that right; and I said I would not waive it. The

gentleman from Indiana himself closed his remarks by saying, "I only give this notice; I do not undertake to bind anybody."

The SPEAKER. The gentleman from Kentucky of course cannot imagine that the mere giving notice of a motion is binding upon the Chair to receive it. A great many notices of motions are given to the Chair that never go any further.

Mr. BECK. It shows that the House agreed with my view of it.

The SPEAKER. Not at all.

Mr. WHEELER. Is it not a complete answer to the proposition of the gentleman from Kentucky [Mr. BECK] that the House already acting under a suspension of the rules, and that this arrangement of yesterday was simply as to the course of debate?

The SPEAKER. There is no need of going back of the record at all on that point. The Chair thinks that this arrangement either meant this or it meant nothing.

Many MEMBERS. Regular order.

The SPEAKER. The question now is, "Will the House second the demand for the previous question?" The gentleman from Indiana, [Mr. COBURN,] who makes the motion, and the gentleman from Massachusetts, [Mr. DAWES,] who opposes it, will act as tellers.

Mr. HYNES. I would like to inquire of the Chair, so that we may have a clear understanding, what are the questions which will be voted upon if the previous question is seconded?

The SPEAKER. There is pending an amendment of the gentleman from Massachusetts [Mr. BUTLER] to modify the thirteenth section. There is also an amendment pending by the gentleman from Illinois [Mr. CANNON] to strike out the thirteenth section. And then there is another amendment submitted this morning by the gentleman from Massachusetts [Mr. E. R. HOAR] to strike out the first, second, and fourth sections of the bill.

Mr. G. F. HOAR. I desire to propose a modification of the amendment of my colleague [Mr. BUTLER] in regard to the thirteenth section.

Mr. BUTLER, of Massachusetts. I accept the modification as a part of my amendment.

Mr. G. F. HOAR. The modification I propose is to insert these words, "such limits being included within the following-named States: Louisiana, Arkansas, Mississippi, or Alabama." Those are the States in regard to which the House has investigated.

Mr. SMITH, of Virginia. I object to any amendment that does not include the whole Union.

Mr. G. F. HOAR. My colleague has a right to modify his amendment.

Mr. BUTLER, of Massachusetts. I accept the amendment of my colleague [Mr. G. F. HOAR] as a modification of my amendment.

The SPEAKER. That the gentleman has a right to do.

Mr. GARFIELD. I hope that the gentleman from Massachusetts will also insert a limitation in point of time.

Mr. BUTLER, of Massachusetts. I have done that.

Mr. GARFIELD. What limitation?

Mr. BUTLER, of Massachusetts. Two years.

Mr. COBURN. I desire to make a parliamentary inquiry, whether, if the motion for the previous question should not prevail, the Chair will then recognize the gentleman from Kentucky [Mr. BECK] to move to suspend the rules or will allow other amendments to be offered?

The SPEAKER. The bill remains before the House until disposed of, whether the previous question is now seconded or not. If it should not be seconded, the Chair will recognize the gentleman from Massachusetts, [Mr. DAWES,] who was claiming the floor when the gentleman from Indiana [Mr. COBURN] indicated his desire for the previous question. It is the duty of the Chair to allow the House to decide whether the previous question shall be ordered. If the House does not order the previous question the status of the bill is not changed, but it gives the gentleman from Massachusetts [Mr. DAWES] the right to address the House.

Mr. SMITH, of Virginia. Will it be in order to move to amend the amendment of the gentleman from Massachusetts [Mr. BUTLER] by inserting Massachusetts and Indiana?

The SPEAKER. If the previous question be seconded, it will not be in order to move any amendment whatever.

Mr. COX. I wish to know whether an amendment which would require for its final adoption a two-third vote of both Houses would be liable to a point of order. I desire to move to amend this bill by striking out all after the enacting clause, and inserting as a substitute a provision for general amnesty.

Several members objected.

The SPEAKER. No amendment can be offered without unanimous consent; and objection being made it is unnecessary for the Chair to rule on the point of order.

The House divided on seconding the previous question; and the tellers reported—ayes 135, noes 110.

So the previous question was seconded.

The question then recurred on ordering the main question.

Mr. BANNING called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 106, not voting 21; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler,

Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Killinger, Lampert, Lansing, Lawrence, Lawson, Lewis, Lofland, Longbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Snyder, Sprague, Starkweather, Charles A. Stevens, St. John, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—160.

YAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Caldwell, Caulfield, Chittenden, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, Dawes, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Heford, Herndon, Holman, Hunton, Kellogg, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Phelps, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Sener, J. Ambler Smith, William A. Smith, Southard, Spear, Stanard, Standiford, Alexander H. Stephens, Stone, Storm, Swann, Thompson, Vance, Waddell, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Willie, Ephraim K. Wilson, Wolfe, Wood, and Pierce M. B. Young—106.

NOT VOTING—Messrs. Barrere, Biery, Clinton L. Cobb, Dobbins, Eden, Farwell, Freeman, Garfield, Robert S. Hale, Hendee, Kendall, Mitchell, Hosea W. Parker, Pike, Sloss, Small, H. Boardman Smith, Strawbridge, Charles R. Thomas, and John D. Young—21.

So the main question was ordered.

During the vote,

Mr. PARKER, of New Hampshire, stated that he was paired with Mr. PIKE, who would vote in the affirmative, while he would vote in the negative.

Mr. YOUNG, of Kentucky, stated that he was paired with Mr. SMALL, who would vote in the affirmative, while he would vote in the negative.

Mr. ALBRIGHT stated he had received a telegram from his colleague, Mr. BIERY, that he was confined to his room by sickness, and if present would vote in the affirmative.

Mr. DOBBINS stated that he was paired with Mr. SLOSS, who would vote in the affirmative, while he himself would vote in the negative.

Mr. CALDWELL stated that his colleague, Mr. SLOSS, was detained at his house by sickness.

Mr. HURLBUT stated that Mr. STRAWBRIDGE was confined to his room by illness and was unable to be present.

The vote was then announced as above recorded.

#### ENROLLED BILL.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 134) for the relief of Daniel S. Mershon, jr.; when the Speaker signed the same.

#### SECURITY OF ELECTIONS, ETC.

The SPEAKER. The question recurs on ordering the bill to be engrossed and read a third time.

Mr. BUTLER, of Massachusetts. Are not my amendments pending?

The SPEAKER. They will be voted on.

Mr. COBURN. I rise to close debate.

The SPEAKER. The gentleman is entitled to an hour under the rules.

Mr. COBURN. I yield to the gentleman from New York, [Mr. COX.]

Mr. COX. Mr. Speaker, I thank the gentleman from Indiana [Mr. COBURN] most cordially for the privilege of speaking in his time.

It is with great embarrassment that I rise now to speak on this topic. Observing old friends who have served with me in other days of trial, when kindred themes stirred us to debate, (referring to Hon. George H. Pendleton, Hon. Mr. Bocoek, of Virginia, and others, who sat near,) and surrounded as I am by a score of members of the next Congress, I feel like one standing on an isthmus between two seas; and the solemnity which comes with the shadow of memory is clouded by the portents of our future. If such bills as this are to pass, what is to be our condition?

#### FORCE OR AMNESTY.

Expressed, not by its title, but by the name it has assumed among the people, it is a force bill. The best way to antagonize it is by substituting kindness and justice. Hence my notice of an amendment to replace its rigorous provisions of hate and coercion by a bill for general and generous amnesty.

I had the honor to introduce one among the first bills for amnesty here; and it came within two votes of passing. That was as early as 1869. Since then this House in moments of unimpassioned patriotism has indicated its preference in the same direction. The gentleman from Massachusetts, [Mr. BUTLER,] in December, 1870, introduced his bill "for full and general grace, amnesty, and oblivion." It was mainly copied from an old English statute about the Scotch rebellion. I could not then help but characterize his bill for pains and penalties as

a meager system of mercy. It was characterized as grace which was grudging, amnesty which was exceptional, and oblivion full of memories. It was ungracious grace and punitive pardon. It was a rushing and turbulent Lethe. I plead for mercy on the eternal plan: no eternizing of persecution; no probing of the old wounds. That bill had in it what is omitted here, oblivion for the agents and officers of the United States engaged in reconstruction. I miss that here. No one here and now offers to pardon the Kelloggs, Durells, Packards, Sheridans, and others engaged in fettering the State of Louisiana.

But, sir, what more can be said of the unwisdom of further repression by the Federal janissaries and oppression by the ductile Federal usurpers? What more can be said against the suspension of the writ of liberty? What now is its object? Who dare allege a state of affairs, South or North, which requires such suspension? The Constitution (article I, section 9) wisely prohibits such suspension, "unless in cases of rebellion or invasion, the public safety may require it." Who seriously pretends that there is any more "rebellion" in the legal and adjudged sense, than there is "invasion" from within or abroad? This suspension of the great writ is the part of a plan hereafter to be dissected, which provokes to violence, with a view to fresh election complications.

#### HISTORIC LESSONS ON GRACE.

Can we not learn from history? Must we again cite instances for civil guidance? Must we go to Montesquieu to show that the business of statesmanship is not to destroy the rebel, but the rebellion; or to Ossian for the metaphor of many streams against the enemy, but as a zephyr that moves the grass to the vanquished? Have the lessons of Roman history, drawn from Cicero—to fortify the Republic with acts of kindness—no application to our condition? Is there nothing in the refinement of the tournament which lifted up the knight of the lowered lance? Is the history of England, in its relations toward Wales, America, Scotland, Ireland, nothing to us for precept and example? Are the Hebraic, Grecian, Christian teachings—the bloom and fragrance of all civilized polity—nothing? As summed up by a quaint English writer—whose thought I have adopted for my title page—the very genius of good government—after rebellion, or before to avert it—resides in the compact of concord. Why cannot we write our wrongs in ashes; draw the curtain over injuries? Forgiveness is not forgiveness—if we only pray God to forgive our enemy and we do not ourselves pardon. We must forgive without reserve; forgive wholly, as we hope for forgiveness.

All bills framed in any other spirit will fail as all your coercive bills have failed for conciliation. You cannot sow this land with dragon's teeth and expect other than a harvest of armed disasters.

#### THE POINTS OF BAD POLICY—DISCONTENT.

Whatever, therefore, Mr. Speaker, may be the outrages South, and whoever is responsible, the large and dominating fact remains, that tranquillity is absent. Its lack is the evidence and sign of bad rule. Grapes are not of thorns, nor figs of thistles. It is the good tree that bringeth forth good fruit. Let us test these acts of reconstruction and force by their fruits. Unless we do so, our remedies will be inadequate, and the more bitter the future fruitage.

#### MORAL TREASON AND SOCIAL ANARCHY.

I speak to-day as I have often spoken before in this House, against measures fraught with such consequences, and therefore I speak against moral treason and social anarchy. My remarks are not made to grace the utterance and fervor of an hour, to vibrate for a moment in angry debate; they have been pondered and repondered in the quietude of my room, so that no sophistical reasoning should escape my own criticism. There is no merit, no intrepidity on my part, in challenging the wisdom or the results of that repressive and distrustful policy which has made chaos instead of order in the Southern States since the war.

#### RECONSTRUCTION AND ITS RESULTS.

At the beginning of the reconstruction measures upon the bill introduced by Henry Winter Davis in 1864, to reform Tennessee on the plan of one-tenth rule of her people, I opposed with all the vehemence and illustration within my reach the rickety plan of commencing to build at the roof and not at the foundation. The reconstruction measures which followed the close of the war have undergone the tests of time and experience; that they are vitally deficient, that they have been worse administered, all will agree who look below the superficies of our social and political order. They have failed in the object of government, peace, security, nationality, and patriotism.

#### HISTORY OF RECONSTRUCTION—COERCION.

The history of reconstruction is a painful one—"infandum dolorem." From the beginning of President Johnson's proclamation on the 9th of May, 1865, as to Virginia, and continuing down through the contest with Congress and by the veto, one idea seemed prominent with the Executive and his able cabinet—amnesty. It was partial and limited at first; but it exacted as a compensation certain concessions, which were promptly made by the States. President Johnson did not, however, coerce the States into determining any policy as to suffrage. The platforms of the dominant party denied to those lately in rebellion any participation in reforming the States. They had forfeited, it was said, their right by treason. President Johnson was derided; his policy scorned; his mild methods contemned; and in the finale he barely



escaped losing his own high office through the malice of those who were hunting down the South. His touch-stone to bring patriotism to the test, pardon, he favored no bayonet rule, and his general-in-chief, Grant, was his adviser in this noble policy. Then came the Thirty-ninth Congress with its presiding genius, Thaddeus Stevens; and with it and with him fell the hopes of all; for that Congress began the work which, built with untempered mortar, is already tumbling about us. To rescue it or to remove it is the duty of coming Congresses. Following the Freedmen's Bureau and the civil-rights bills, disqualifying measures and military districts, dictations to States and enabling acts for representation, came supplemental bills, until what with vetoes and soldiers, and registers of votes and crude constitutions, there sprung full armed the model "omnibus bill" for the admission of certain States on certain conditions. These measures were the forerunners of the two bills this session which have drawn so much attention from the public and which have required all the vigilance, mental and physical, of the minority here to postpone and defeat. Each and all are samples of the utter failure of the coercive principle; and the present bill is but a copy of its antitypes, founded on the idea that suffrage is in danger; that the black suffragans are weak and are easily intimidated; and that as republicans are entitled to the votes of the Africans *willy nilly*, so all the processes for prosecution, fine, and imprisonment, and all the modes to supervise, spy out, and influence the voter and the ballot-box, even to the use of military force, ought to be used. What for? To continue republican partisan ascendancy, though it imperil every State in the Republic.

It is this policy which the democracy and its liberal allies boldly confront. It is this policy which it was the object of the late popular expression to condemn.

I propose to-day to discuss the present situation not merely in view of the recent elections, which have an inner meaning with respect to this subject, but with a view to show wherein the objects of good government have been frustrated, and if possible to evoke a remedy commensurate with these extensive and momentous mischiefs. First, waiving for the present any allusion to the complex nature of our Federal and local governments, not forgetting that we have one supreme government as to certain affairs, and not necessarily one in all things, let me test by recent events the wisdom of our post-war policy. No one will dispute as to certain objects of civil government, and, whether written or unwritten, that these objects are designed to protect personal liberty and honest property. It is the province of government to throw its force against the strong hand of individual violence and in favor of the gentle methods of judicial arbitration, and we are not the less bound to save the system on which we are ingrafted from any external power which would injure. By the same right whereby we protect men of all religions in their conscientious convictions, government should protect men of all classes against rapine and spoliation. Government should assure the man who sows, the privilege of reaping. His harvest is his to use as he pleases, subject only to those exactions which are indispensable to the maintenance of the government which protects his industry. What a satire on these organic principles is the recent misgovernment in the South, I will presently determine. The question is not as to whether the State or the Federal Government is responsible, or which is most responsible. The fact remains that in the effort to restore States, to rebuild their dismantled social order—contentment, the object of all government, has been wanting. Military compression and civil oppression have made large bodies of men reckless of the old divisions of power.

#### DESPERATION SOUTH.

Men in their desperation, who once had just and elevated views of our polity, have cried out sometimes for imperial power, sometimes for military rule, and sometimes for revolution. Civil convulsions, sometimes marked with blood, and sometimes taking the form of race conflict, have accompanied this discontent. It is no longer a question of political union so much, for all discontented men South have been willing to be pinned to the Union even by an honest bayonet, or held to it by a mailed hand, or shackled to it by an iron gyve. Nor will it be doubted that throughout this decade of discontent and convulsion there has been an aspiration for civil discipline and patriotic allegiance. This has been chilled by our conduct on its every demonstration. And yet without this aspiration no State can be permanent. When that protection, which is the consideration and correlative of allegiance, fails so signally and constantly, all history teaches that then the bond of allegiance becomes thin and weak, society declines, and tyranny supervenes. It may be a question whether in such a condition foreign conquest may not be a blessing. I assert that underlying all the trials and troubles, frauds and oppressions, whether by judicial decree or military proclamation, this is the capital crime of the party just retiring from power.

#### ALLEGIANCE AND PROTECTION.

A French philosopher has said that "in all forms of government the feeling of allegiance or loyalty is the condition of contentment." There must be in the constitution of the state something which is settled—unquestionably permanent—which cannot be dispensed with, secure against all vicissitude and change. This is the sacred something in our system of Federal and State governments which is above discussion, and which is founded upon the sovereign will of the people. That sacred something is found not merely in the Federal

Constitution, but in all those rights reserved and all those powers ungranted which belong to State or local administration. Break this mystic union of Federal and State systems, allow the one to encroach upon the other, and you lose the sacramental essence, the divine appointment which inspires loyalty and gives hope and courage and honor to labor, liberty, property, and life. Nations, ancient and modern, have risen or fallen according as they have comprehended or violated this fundamental law.

It is not my purpose to review the causes which produced, or the circumstances which justified the civil war, either from one standpoint or another. When at Appomattox Court-House the bugles sounded the great truce it was hoped that the conditions of peace, tranquil government, and a contented people would be observed; that all future griefs would be solaced; that magnanimity would conquer angry hatred, scorn, and revenge, and that for many uncounted decades there would be no interregnum in the serene dynasty of peace and love; that through the bleeding and bloody land, and over the scenes of death and the sorrows of mourning, the lethean wave would flow. We have had the lethean wave, but the only repose has been that of despair and death. It was all Lethe except its sleep; it was all death without its repose. Homes have been wasted, property confiscated and destroyed, enterprises ruined, cities burned, a whole country swathed in destruction. We had hoped amid these immeasurable calamities that the hates and griefs would not be perpetuated; that the new generation should not wear the rancor in their hearts till their hair had whitened for the tomb; that they would not teach their children to perpetuate the hate of their fathers.

#### TEN YEARS OF MOCKERY.

For ten long years all these hopes have been mocked; and what a mockery! God has fixed his creatures in this fair land in habitations bound together by the same rivers, mountains, lakes, and skies. He has fixed in their hearts the ennobling principles of peace. He has sent to this star the very Prince of Peace, as an exemplar and Saviour, and yet these benefactions are turned by the passions and ambitions of men into shameful mockery.

We had good right to believe that the truce would have been kept. We must not forget the record made by General Grant himself shortly after the war.

#### GENERAL GRANT'S TESTIMONY IN 1865 AS TO SOUTHERN SENTIMENT AND CONTENT.

In the midst of the deep wrath which the outrageous Louisiana usurpation has roused and the various arguments employed to defend as well as denounce it, one simple connection of circumstances seems to have been entirely overlooked. Logically considered, it indicates that the President's views have undergone an alarming modification, since he was made President, in the interest of perpetuating himself in his office or certainly in that of Federal military interference in political affairs.

The inconsistency as revealed by his own official papers is so gross that no explanation can be made without attributing motives of dangerous ambition. I do not refer to his portentous change of opinion as to Arkansas since the session began, but to his wide departure from his own just observations of 1865.

General Grant in his official report to the President of his southern State inspection, under date December 18, 1865, writes:

I am satisfied the thinking men of the South accept the present situation of affairs in good faith. \* \* \* There is such universal acquiescence in the authority of the General Government throughout the portions of the country visited by me, that the mere presence of a military force without regard to numbers is sufficient to maintain order.

If such was the condition of the South, and especially of New Orleans, where General Grant made his longest stay during his tour of inspection in 1865, what must have been the maladministration there since to produce a revulsion of sentiment which seems to call for the present repressive course? Who is responsible for it? The President and his friends have had a free rein, and the result according to their own showing is a condition of present anarchy in contrast with that he reported nine years previous.

The following extracts from an official letter to the President by General Grant, under date October 24, 1866, indicate the views of the latter relative to the employment of troops in political contests.

The letter is the most statesmanlike I have read from General Grant, as the following extracts may show:

The conviction is forced on my mind that no reason now exists for giving or promising the military aid of the Government to support the laws of Maryland. The tendency of giving such aid or promise would be to produce the very result intended to be averted. So far there seems to be merely a very bitter contest for political ascendancy in the State.

Military interference would be interpreted as giving aid to one of the factions, no matter how pure the intentions or how guarded or just the instructions.

It is a contingency I hope never to see arise in this country while I occupy the position of General-in-Chief of the Army, to have to send troops to a State in full relations with the General Government on the eve of an election to preserve the peace. If insurrection does come, the law provides the method of calling out the forces to suppress it.

How are General Grant's opinions of the condition of the Southern States, including Louisiana, and his views of the impropriety of employing the military forces of the Government in politics, reconcilable with his late acts, except upon the hypothesis that he ignores fact and patriotism for some ambitious end?

If our countrymen patiently abide this usurpation, a great barrier to empire will have been destroyed, and the third term and future

terms be at the behest of one whose views, under the exercise of power, have sustained the change I have represented. I hope the issue may not be confused.

#### MR. LINCOLN'S POLICY.

It will not be denied that ten years ago, when reconstruction was first broached, there were men or fiends who talked utter extermination. Mr. Lincoln did not share this execrable spirit. He proposed to reach the South by friendly means; with him charity predominated; in his death the South was crucified. His policy, as indicated in his messages and in the dispatches of Mr. Seward, would at once have filled the vacant seats of southern members without convulsion and without discontent; and whatever changes had taken place under the new order created by the war, they would have accorded easily, naturally, and in the interest of harmony and peace. And the colored race, to-day lying despoiled, stricken, and cast off, even from the paternal Government, would have been elevated, cared for, and their labor made more remunerative under better conditions of freedom and independence. Mr. Lincoln had not read history in vain. It was an open book to him; and what did it not reveal? The pitiless destruction of the Moors of Andalusia by the second Philip, the merciless slaughter of the French in La Vendée, the sanguinary pursuit of Claverhouse after the Scottish covenants, the stained and cadaverous cheek of Ireland, the maddening history of Poland, the history of all subjected and despoiled provinces and countries, and, sir, the terrible reaction upon those who despoiled and subjected them. In the place of the Lincoln policy of charity and peace, ay, even in the place of sudden calamities, radical reconstruction has given us prolonged torture. The fruits of that policy are not seen in the strength, stability, grandeur or progress of our nation, nor in the condition of our business and our labor, of our commerce and our credit. They are seen in the wasting of revenues, or in fact the non-collection of revenue through impoverishment.

#### SPOILIATION OF THE SOUTH.

The Mississippi is still ours to the Gulf, but where is its commerce? Charleston looks out upon Sumter, and Sumter has nothing to protect. The sea islands no longer echo to the music, the exultation and hope of an industrious people. There is only heard there the discourse of many politicians of all grades of degradation, worshipping their radical fetish. Some of these States were happily rescued before being thoroughly impoverished—Georgia, Tennessee, Virginia. They received an infusion of new life, because the weapon with which they were struck was not entirely lethal. Beneath this rule of men entirely bad, whose consciousness course had much to do with their maladministration, there was a vicious heresy. It was the fountain of bitter and poisonous waters. That heresy held that certain States had sacrificed their corporate existence; it held that they were no longer component members of the Union; it contradicted the declared object and principle of the war. It transferred the right to govern them to a Congress which was not omnipotent. Hence, when reconstruction began through Congress, it assumed that an oligarchy of one-tenth should reform the States. Hence disqualifying amendments, and odious conditions; hence agents to govern who were not selected by the people of the States; hence a large field was opened for executive bashaws and adventurous rascals; and hence by a natural sequence the source of power which should have been in the States was fixed at the Federal capital. And wherein does such a government differ from the rankest orientalism? Conquered provinces and oligarchical States, in place of the constituted local State governments, are both a solecism and a weakness. Such a condition could not give content. It put in jeopardy the liberties and governments of the people North; it became an image, part brass and part clay; and the intolerable oppression upon one-half of the country became a burden and a reproach to the other.

#### PATERNAL GOVERNMENT.

It was not in the nature of things in this country, it was not in accordance with our traditions or our organic laws, that the duties of the Federal Government should be paternal. It was not possible in nature for a government to love its subjects as a father his children. Show me the government, or the agents of a government, distinct and irresponsible as the Federal Government is from the States, which for purposes of honest and wise rule is as superior in intelligence to its people as a father is to his child. Such a paternal affection is as irrational and certainly more dangerous than the figment of the constitution which Locke made for North Carolina, or which Plato made for his imaginary commonwealth. This congressional reconstructive paternity, with its new-born Bureaus, undertook to fill the platonic idea by occupying in the moral the place of "the all"—*το πᾶν*. Macaulay satirizes this utopian danger when he says: "Why should not Government take away the child from the mother, select the nurse, regulate the school, overlook the play-ground, prescribe what parodies shall be sung, what tune shall be played, what books shall be read, what physic shall be swallowed? Why should it not choose our wives, limit our expenses, stint us to a certain number of dishes of meat, of glasses of wine, and of cups of tea?" What with agricultural, educational, freedmen's, and other Bureaus, and added to them this Federal supervision over elections, with flagellating penalties and the paramount rule of the military in this bill, if we do not have a paternal government, then no such government is possible. To ascertain the value of such paternal care, it may be well to go into

the figures of arithmetic, which are more emphatic on such questions than figures of rhetoric.

#### DEBTS AND LIABILITIES SOUTH.

I do not now refer to the direct losses, estimated at seven billions, which the war occasioned, nor the incalculable indirect consequences in the losses of enterprises and industries; but I refer just now to the debts and liabilities of these Southern States since the war, as developed by the Ku-Klux report of 1872, a succinct statement of which is as follows:

*Alabama.*—Debts and liabilities at the close of the war, \$5,939,654.87; debts and liabilities January 1, 1872, \$38,351,967.37.

*Arkansas.*—Debts and liabilities at the close of the war, \$4,036,952.87; debts and liabilities January 1, 1872, \$19,761,265.62.

*Florida.*—Debts and liabilities at the close of the war, \$221,000; debts and liabilities January 1, 1872, \$15,763,447.54.

*Georgia.*—Debts and liabilities at the close of the war, nominal; debts and liabilities June, 1871, \$50,137,500. (See statement of Mr. Angier, treasurer of Georgia.)

*Louisiana.*—Debts and liabilities at the close of the war, \$10,099,074.34; debts and liabilities June 1, 1871, including the excess of expenditures over receipts, \$50,540,206.91.

*North Carolina.*—Debts and liabilities at the close of the war, \$9,699,500; debts and liabilities January 1, 1872, \$34,887,467.35.

*South Carolina.*—Debts and liabilities at the close of the war, \$5,000,000; debts and liabilities January 1, 1872, \$39,158,914.47.

*Mississippi.*—Debts and liabilities at the close of the war, nominal; debts and liabilities January 1, 1872, about \$2,000,000.

*Tennessee.*—Debts and liabilities at the close of the war, \$30,105,606.66; debts and liabilities January 1, 1872, \$45,688,263.46.

*Texas.*—Debts and liabilities at the close of the war, nominal; debts and liabilities January 1, 1872, \$20,361,000.

*Virginia.*—Debts and liabilities at the close of the war, \$31,938,144.59; debts and liabilities January 1, 1872, \$45,480,542.21.

In this list Louisiana is stated under the truth. We are advised that at this time the debt is \$65,000,000, the interest \$4,000,000, while \$5,000,000 more is to be added for the expenses of a State administration not the product of a legal election. This goes on and will go on under the ambiguous pusillanimity of Congress; for does not Congress by its non-action authorize the President to prop Kellogg's power by the bayonet? Does not Congress, in its Punic faith, allow Louisiana to be bound in withes, that it may be more readily plundered? Where and when is there to be any relief?

#### MATERIAL LOSSES BY RECONSTRUCTION POLICIES.

Would you know further how this paternal reconstruction and its bad policies have affected material interests South? Let me call your attention to some statistics to illustrate the nature and effect of these bayonet and bureau governments. In Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Texas, and Arkansas the illustration is peculiarly significant. On all the cereals, cotton, tobacco, live stock, farms, personal estates, wool, peas and beans, potatoes, and butter, the increase from 1850 to 1860 is in sad contrast with the decrease from 1860 to 1870, under the policy of hate and spoliation. The tables will show the percentage of decrease. They will also show what would have been the prosperity of these States under orderly rule. The loss on tobacco is seventy-five millions, on cereals one hundred millions, on cotton four hundred millions, on stock four hundred and eighty millions, and on farms four thousand millions. But to the table:

*Productions in the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Texas, and Arkansas.*

Products.	1850.	1860.	1870.
Cereals.....	\$316,344,306	\$339,960,330	\$236,069,168
Cotton.....	2,432,321	5,333,867	3,008,033
Tobacco.....	90,965,429	203,142,103	73,113,048
Value of live stock.....	191,327,756	381,778,601	280,284,912
Value of farms.....	793,342,168	2,012,708,493	1,088,746,888
Value of personal property.....	42,684,965	2,478,844,439	612,075,308
Acres improved.....	8,337,523	56,833,154	49,567,628
Wool.....	7,371,700	9,867,268	7,976,981
Peas and beans.....	39,846,301	11,501,963	2,305,988
Potatoes.....	34,606,394	44,584,501	23,236,788
Butter.....		59,642,527	44,571,545

*Percentage of increase from 1850 to 1860 and decrease from 1860 to 1870.*

Products.	Increase, 1850 to 1860.	Decrease, 1860 to 1870.
Cereals.....	7½	44
Cotton.....	119	43½
Tobacco.....	123	64
Value of live stock.....	99½	26½
Acres.....	33	12
Wool.....	18	19
Peas and beans.....	56	79
Potatoes.....	11	47
Butter.....	72	25



Had the wealth of these States increased from 1860 to 1870 as it did from 1850 to 1860, there would have been in 1870—

Cereals.....	\$364,890,743 instead of	\$236,069,168
Cotton.....	11,681,168 instead of	3,008,033
Tobacco.....	453,006,889 instead of	73,113,048
Value of stock.....	761,648,308 instead of	280,284,912
Value of farms.....	5,102,152,487 instead of	1,088,746,888
Acres improved.....	75,588,094 instead of	49,567,628

The value of all farm productions in 1870 was \$633,236,435. That of 1860 is not given in the census of 1860, but the quantities are and the crop, comparing quantities shows a loss as compared with those of 1860 of 45 per cent. If the values of the productions by given quantities are the same, the crop of 1860 was \$918,192,829, and that is greater than the crop of 1870 by \$284,956,394. What a commentary is here on such policies as this bill intrudes upon the country!

Now, if we compare the crop of 1860 with what the crop of 1870 ought to have been by increase of population and labor, we find that it fell over four hundred millions below what it ought to have been. Who is responsible for these losses? Ah! but it may be said, "this is the consequence of the war that ended in 1865." Let us see if it is so. How are we to account for the fact that in 1859 these States raised 282,626,000 bushels of corn, and in 1873, fourteen years afterward, and eight years after the war, with a million additional population, they only raised 217,741,000 bushels. How is it that they raised 31,441,826 bushels of wheat in 1859 and only 24,574,000 in 1873? How is it that Louisiana in 1859 raised 230,982 hogheads of sugar and in 1873 89,498? What do these figures mean since the war: 1870 144,881; 1871, 128,461; 1872, 108,520; 1873, 89,498. Do they not mean reconstruction; that the blight did not exhaust itself at the end of the war, but points its skeleton hand to a lower deep yet to be touched by a wretched and distracted people? If bills like these are to pass to harass and vex industries and people, who can tell the lowest depth of that deep with which the South is threatened? As the aggregate of these Southern States shows a falling off in acreage, it may be thought this depression in agriculture arose from the farms destroyed by the armies in the field during the war. To show that this is error, we will take the State of Texas, to whose distinguished representative [Mr. MILLS] I am greatly indebted for these economic observations.

Texas is by far the most prosperous of all the Southern States; because there was no Federal army during the war, and no destruction of farms by armies. Besides there is an increased acreage by reason of the heavy immigration of whites since the war. We find, however, the same melancholy prostration of farming interests, as follows:

#### Losses in Texas.

	1860.	1870.
Acres improved.....	\$2,650,781	\$2,964,836
Value of farms.....	88,101,320	60,149,950
Farm implements.....	6,250,452	3,396,793
Value of animals slaughtered.....	5,143,635	4,835,284
Value of all live stock.....	42,825,447	37,425,194
Horses.....	325,698	424,504
Mules, &c.....	63,334	61,132
Milch cows.....	601,540	428,048
Oxen.....	172,492	132,407
Other cattle.....	2,761,736	2,933,588
Sheep.....	753,363	704,351
Swine.....	1,371,532	1,202,445
Wheat.....	1,478,345	415,112
Rye.....	111,860	28,521
Corn.....	16,500,702	20,554,538
Oats.....	985,889	702,663
Barley.....	67,562	44,351
Buckwheat.....	1,349	44
Rice.....	26,031	63,844
Tobacco.....	97,914	50,706
Cotton.....	431,463	350,628
Wool.....	1,493,738	1,251,328
Peas and beans.....	341,961	42,654
Potatoes.....	2,020,794	2,396,424
Wine.....	14,199	6,216
Butter.....	5,850,583	3,712,747
Cheese.....	275,128	34,342
Sugar.....	5,099	2,020
Molasses.....	520,770	420,571
Honey.....	594,273	275,169

#### NATIONAL WEALTH IN ALL THE STATES AND ITS DECREASE UNDER RECONSTRUCTION.

1850.....	\$7,135,600,800
1860.....	16,159,616,668
1870.....	26,967,281,172

Increase in wealth from 1850 to 1860, 1.28 per cent.

Increase in wealth from 1860 to 1870, 68 per cent.

The material wealth of 1870 is reduced to gold at 111½, the premium on gold 30th of June, 1870, to make comparison with the gold value of 1850 and 1860.

The same remark applies to the next succeeding table on agriculture.

The censuses of 1850 and 1860 do not, like 1870, give the value of all farm productions, but they do give the quantities. Mr. Grosvenor, in his work on political economy published in 1863, says the value of all farm productions in 1860 was about \$2,600,000,000, and that it increased 100 per cent. from 1850 to 1860. By looking at the quantities

produced, as shown in the census, he is fully sustained in his estimate.

Then we have in 1860, 163,110,720 acres in cultivation; in 1870, 188,921,009 acres.

From my best information, I estimate that it will cost \$10 per acre on an average of crops to cultivate them; but if this is not correct as an estimate, it will not affect the result, as it will be applied to both periods and will affect them equally:

	1860.	1870.
Cash value of farms and farming implements.....	\$6,891,263,148	\$8,509,580,529
Cash value of productions on estimate of Grosvenor.....	2,600,000,000	2,195,101,935
Cost of production at \$10 per acre.....	1,631,107,200	1,889,210,990
Net profit.....	968,892,700	305,890,945

Loss on productions of 1870 as compared with 1860, \$404,898,065.

Net profit in 1860, 14 per cent.

Net profit in 1870, 3½ per cent.

But we see from the tables in the census that the productions increased 100 per cent. from 1850 to 1860. If nothing had retarded the prosperity of our agriculture, it would have continued to increase at the same ratio of 100 per cent.; then the production of 1870 ought to have been 100 per cent. over 1860, or \$5,200,000,000; but it was only \$2,195,100,935, showing a loss of \$3,004,898,065. Notwithstanding there were over twenty-five million more acres in cultivation and over sixteen hundred millions more money invested in farms and farming implements and seven millions more people, the crop is over four hundred millions below the crop of 1860. Who is responsible?

To illustrate the growth from 1850 to 1860, I present the following statements:

Products.	1850.	1860.	1870.
Cotton.....	\$2,469,093	\$5,387,052	\$3,011,996
Corn.....	592,071,104	838,792,742	760,944,549
Tobacco.....	199,752,655	434,209,461	262,735,341
Wheat.....	100,485,944	173,104,924	287,745,626

The census tables show an increase from 1850 to 1860 and decrease from 1860 to 1870:

Products.	Increased, 1850 to 1860.	Decreased, 1860 to 1870.
Cotton.....	118	44
Tobacco.....	117	39
Buckwheat.....	96	44
Rye.....	48	19
Peas and beans.....	64	61
Mules, &c.....	105	2
Oxen.....	32	41
Hogs.....	10	25
Cattle.....	52	8

Wheat showed an increase at both periods, but 6 per cent. greater at 1860 than 1870.

These facts from the census serve to illustrate the general ideas which apply to the underlying principle, or rather lack of principle, upon which reconstruction was based. The principle necessarily involved perfidious and bad agencies to realize it, and consequently losses of property, direct, consequential, and otherwise.

#### VAGABOND AGENCIES SOUTH.

Perhaps the crying sin of these agencies was their vagabond qualities. The great body of the men who undertook to carry out this reconstruction were vagrant peripatetics, having no fixed and abiding interest in the place where they sat down. They generally had two thoughts: first, to make all they could, and second, to move off with what they had made. The right of locomotion without passports or hinderance is one of the most sacred rights which any free government can give. I applaud the proper and beneficent offices of immigration, but I denounce its counterfeit and abuse. Immigration is a part of the history of the last few centuries. All our people had ancestors who were scattered from the Rhine to the Liffey, from the Danube to the Thames. There is a utility and a beauty in this exodus from the Old World to the New. The value and grandeur such immense movements mean to this new hemisphere all appreciate, and but for this movement from 1790 till to-day we would have but ten millions of people in our land at the present moment. No one objects to this movement, for it brings hundreds of millions of values as well in gold and silver as in industry, mind, and muscle.

#### UTILITY OF INTERSTATE RELATIONS.

But if any portion of such a movement came to overturn our attractive system of government, to change the form and the substance of our polity, we would at once cease to be attractive. We should

at once close our gates to the exodus. Between our States this exodus is double that of any other country. Our *Magna Charta* gives us the right of free egress and regress. That right, like our writ of *habeas corpus*, has contributed to our advancement. Even trees and plants improve by transplanting, but the transplanting should be rightly done. It should be suited to the soil and protected against winter frosts and adverse winds. We have the same right to go and come as to post our letters or otherwise commune with our friends. When, therefore, adventurous rascality travels only to despoil, and denunciation falls upon it, the denunciation is in favor of that rightful and healthy movement by which States are peopled, elevated, and energized.

When the reconstruction measures began to be organized under such bad agencies, the very lethargy and devastation of the South attracted not merely good citizens who would build up, but a horde of the bad who would tear down. All desirable populations were welcomed at the South; they deserved and received encouragement. They were not the jackalls to the lions of war, or hyenas among the graves of the dead. No man in Georgia objected to an artisan going there to help manufacture cotton; no man in Louisiana complained if a stranger rescued a wasted sugar plantation from the alligator; no man in Texas complained of the German who went there to raise cereals, cotton, or cattle. The complaint and the grievance begin when the myrmidons of political power, the mercenaries and the suttlers, the bureaucrats and adventurers, who have no local habitation or name, make alliance with illiteracy, fan race prejudices, despoil railroads, and revel in inordinate taxations. These men not only discredited the bonds of their States in the markets, upon the exchange, but dislocated by their devices the industries of the South.

#### THE DISFRANCHISED—THE SUPERIOR RACE.

Having no part in the honors and offices that belong to self-government, the best men were powerless before such an alliance. These adventurers were the cuckoos who sat upon the eggs of other birds—the scum which rose to the top of political reconstruction. They were called carpet-baggers, not because they always carried one of those indispensable articles of travel, for many of them were not even provided with that article, but they moved in a mysterious way, with no fixed mode of life or the *animus manendi*. The carpet-bagger had little to go on and much to get. He made out of negro credulity a living, and he made the negro his prey. He began as a sharper and was reconstructed as a statesman. He had a bayonet within call, and even before the happy days of “overflowed bacon,” he had rations in abundance. He not only registered votes at pleasure, but became an organic law-maker and a legislator. The less he had at stake, the more he had of taxes. The county and State offices at first filled his ambition; then he aspired, when plethoric with funds, to be Congressman, Senator, and governor. He waxed fat and kicked. He kicked the negro, and by a beautiful law of nature the negro is just now beginning to return the compliment. His chief occupation has been to count votes that were never cast, and count out wages which were never earned, and to make all who despise him appear as unrepentant rebels. How could reconstruction stand on such loose material?

#### OTHER GRIEVANCES.

One of the great grievances of our fathers was the creation of a multitude of new offices and a swarm of officers from abroad to harass the people and eat of their substance. Our fathers complained of the establishment of a foreign jurisdiction. The quartering of armed troops completed the work of desolation and tyranny. Every one of these complaints find their counterpart in the gospel of anarchy preached through bills like the present one, and in the moral treason which inspires their enactment.

#### “REGULATE” ELECTIONS.

A part of this programme of anarchy and tyranny is the power granted in this bill to petty Federal officers over elections. Have we not had enough of these sickening examples? Let us have done with a set of men who can postpone “regular” elections or “correct” their returns, just as it best suits the purpose of the master, who with an unlimited executive police at his elbow, with unlimited powers, can levy taxes to pay them, collect taxes not authorized, declare martial law, suspend the *habeas corpus*, erect military commissions, try his subjects, and hang them—by your authority and in consequence of your enactment!

This is all your own work, gentlemen of the majority! You want to repeat it for 1876, do you? The very first act of congressional usurpation was the prelude to all the drama, the key-note to the whole of this infernal chorus. When it became possible to do one thing outside or above the Constitution, it became necessary to order all your actions on that plane. Every line must needs be longer than a straight line, and no action of yours outside the Constitution could fail to breed evil and prepare the way for misery.

#### CONSTITUTIONAL AMENDMENTS.

Am I asked whether these thoughts lead toward the repeal of the amendments of the Constitution which grew out of the war and its conditions? I answer, that these amendments, if rightly construed, as they have been by the United States Supreme Court, are only intended to deny powers to the States and not to grant or enlarge the Federal powers. Under them the opposite party claim to do everything. We do not ask to undo the past, nor the work of the

war. We take the country where the war left it and its situation now. The Constitution remains to us, and its amendments remain; but they furnish no authority for such bills as the present one. It is in the administration and legislation under the amendments that we find the usurper and the reconstructor who are dangerous to peace and the fomenters of anarchy. When we read in our authentic reports from both sides what has been done in Mississippi, Arkansas, and Louisiana, we can readily perceive the drift of this arraignment of bad government.

#### NO RETROGRESSION.

Neither am I to be placed, as the gentleman from Ohio [Mr. GARFIELD] intimated the other day, in antagonism to the colored race. I disclaimed being responsible for Judge Van Trump's *dictum* in the minority Ku-Klux report. It is not a fair inference that I favored the abolition of colored suffrage and the oppression of the African. That protest was meant, so far as I know, to apply to the irrepressible social conflict between black and white, which is urged by party tricksters to keep the colored voters with the radicals.

I have already said here that New York State, on motion of a democratic Senator, anticipated action here, under the thirteenth amendment, by removing the property qualifications upon negro suffrage in New York. The Cincinnati and Baltimore platforms meant no reaction on this subject of enlarged suffrage. No one on any committee could or can reverse the action of our State and national conventions, which accepted, with Horace Greeley, the situation. Honest men then united to forget the past and advance the democratic party to its present condition. To-day they are more sincere in caring for the real interests of the lowly and colored than those who use them to their hurt and to the distress, impoverishment, and dishonor of southern people and State governments. The negroes will find out their friends. The democracy accepts the present condition of affairs in order to better them. It does not propose any retrogression.

The relations of slavery, the questions of civil war, the grief and grievances of that vast conflict, are or should be buried. Out of their graves spring new conditions and fresh responsibilities. The foremost duty is the satisfaction of the people in the new order, and the replacement of those guarantees of public security North and South, without which government, like that in Louisiana, is little less than anarchy. The party in power obtained it by crying “Peace, peace,” but they give no peace. They made their rickety scaffolds of reconstruction. The South ventured on them. Radicalism has already, by fraud and force, tried to hack them down. The South is to have no peace until it lays itself at the feet of radical spoliation and annoyance, and forgets all of its manhood in its abject obedience to the social Mumbo Jumbo. Unless it does so, the whole country is to be racked with the suspension of *habeas corpus* and the threats of civil war. In fine, and under specious pretexts, the war is to be renewed for ulterior purposes. What those purposes are, time will determine. What such bills as this mean the people of New York, who are, every election, blessed with Federal supervisors and their paid minions, know full well. It is my purpose now to enter my earnest protest as well against the swash and swagger of the military and its insolent domination over civil rights and interests, as against the espionage of paid Federal supervisors over all our elections. It was to be hoped that such discussions as this were long since over; but, sir, the question recurs:

#### IS THE MILITARY SUPERIOR TO THE CIVIL AUTHORITY?

One of the peculiarities of these times is that the conservators of the established order in this country are compelled to discuss and discuss again the fundamental questions, long since the foregone conclusions of our best men. We have to go to the alphabet of freedom. In 1840 the whig party denounced Poinsett's scheme of a standing army, which, compared to our present armies, was as the mole-hill to the mountain. But no one objects to this jealousy of military power unless he be a despot or his tool. This jealousy of the supremacy of the military over the civil authorities took form in our constitutions. It springs from the training of the Anglo-Saxon mind for a thousand years. A distinct military order was always regarded by our ancestors as dangerous in a land of liberty. When, therefore, we are to have again scattered over the States where war does not exist hundreds of shoulder-straps and thousands of soldiers, in camp, in barracks, in hotels, what will follow? It is easy to see that under this bill we shall have again those army sheriffs, the provosts. They will again sneak into our assemblages to carry on an espionage for those in power. We are to have in every congressional district extra constitutional commissioners or supervisors. Again civilians are to be dragged from quiet homes by soldiery to be tried by drum-head rules. In such a prospect, let us go back to the origin of civil liberty and reproduce the rudiments.

It is laid down by certain writers that in absolute monarchies the safety of the prince requires a great military establishment. This is required on the principle of fear. Monarchs govern more by fear than love. This seems to be the doctrine of the present Administration. In England, when it was necessary to raise a force in time of war, the leaders were elected by the people, to make them responsible to those whom if they injured they could account unto for their misdoings. Blackstone says, (book 1, chapter 13:)

Because of their great power these officers were elected by the people in their full assembly or folk-mote, in the same manner as sheriffs were elected; following



still that old fundamental maxim of the Saxon constitution, that where any officer was intrusted with such power as if abused might tend to the oppression of the people, that power was delegated by a vote of the people themselves.

This custom was inherited from the Germans. Out of this custom sprang the militia, the citizen soldiery, a system by which the discipline was made general and easy and the soldier mingled freely with the people. It is this conservative element by which the spirit of the people was communicated to the soldier and foreign and standing armies were rendered useless and innoxious. We want no soldiery in our States except that which is of the States. The second amendment of the Constitution took care to guard the States and their militia:

A well regulated militia being necessary to the security of a State, the right of THE PEOPLE to keep and bear arms shall not be infringed.

The first article, eighth section, in enumerating the powers of Congress to call out the militia, expressly "reserves to the States the appointment of the officers."

#### MILITARY COMMISSIONS—ENGLISH PRECEDENTS.

Springing out of this old jealousy of military authority was the distrust of military commissions, like those which will assuredly follow the suspension of civil process and the suspension of *habeas corpus*. Blackstone calls all such elements of power "temporary excrescences bred out of the distemper of the State." This Administration and its servitors have sought in vain for pretexts to declare martial law, which, as Sir Matthew Hale said, was built upon no settled principles, but is entirely arbitrary in its decisions—in truth and reality, no law. The only justification for such a state of things is for discipline in the Army. It has no place in a community where courts remain and the civil law stands. Military commissions are the detestable fungus of a bad condition. The English people suffered from such creatures of despotism. The famous "petition of right," a part of the bible of English freedom, enacted that "no commission shall issue to proceed within this land according to martial law." They had felt the outrage of trying men other than by the law of the land and by a jury; and they even struck their kings down to break this infamous tyranny of the military. What is it but an unlimited power to create crimes and annex to them any punishments? It is legislation. It makes the executive the legislature. It makes a part the whole. The President is a part of the Legislature. He approves and vetoes laws; he cannot make laws nor suspend laws. One of the chief crimes of this Administration is that it has undertaken to do, nay has done, what the kings of England undertook to do—to suspend laws.

#### SUSPENSION OF THE LAW OF LIBERTY.

Allow me to cull some examples from English history for our guidance. History is written for our instruction, and it but repeats itself.

In England the laws of Parliament, unlike the laws of Congress, are paramount. Here the Constitution is the supreme law of the land; and any law made by Congress or State inconsistent with the Constitution is void. In England it is otherwise. If the President of the United States undertakes to legislate he usurps; if he undertakes, as he did in Louisiana, to suspend any part of the Constitution, from which he derives all his authority either as President or as Commander-in-Chief, he does just what James II did, and for which he lost his crown. The revolution of 1688 was grounded on the breach of the English constitution by the attempt of the monarch to suspend certain laws concerning religion. These laws of Parliament as to the English Church were intolerant, bad laws, and James sought to suspend them. On the 4th of May, 1688, he proclaimed that it was his "royal will and pleasure that from henceforth the execution of all and all manner of penal laws in matters ecclesiastical \* \* \* is hereby suspended."

He ordered the bishops of the realm to have his proclamation read in all the churches. Seven bishops objected and protested—

That the declaration is founded upon such a *dispensing power* as hath often been declared illegal in Parliament and particularly in 1662 and 1672 and the beginning of your Majesty's reign, and is a matter of so great moment and consequence to the whole nation, both in church and state, that your petitioners cannot in prudence, honor, or conscience so far make themselves party to it as the distribution of it over all the nation.

For writing these noble words the bishops were imprisoned in the Tower. On the 29th of June, 1688, they were tried. I hold in my hand the volume of State Trials of Howell containing this most remarkable trial.

It might be well before stating further the results of the great trial to ask: Where will this authorized suspension of *habeas corpus* end, Mr. Speaker? The right to criticize and protest against the arbitrary suspension of this writ may itself be regarded as a crime. The lawyers of the bishops, Sir Robert Sawyer, "old Pollfexen," Pemberton, and others, placed their defense upon the fact that no English potentate had the right to suspend the law. No more moral right has the Executive or Congress to suspend *habeas corpus*, to override the militia of the States by Gatling guns or Sheridan's orders, to abridge free speech, free press, right of trial by indictment and jury, or to establish military commissions and inflict unusual punishment. If there were no dispensing power in the King, there was no seditious libel in the bishops. If a southern man tells the truth as to the tyranny of this Administration, he has been guilty of no crime. As Justice Powell said to the jury in the case of the bishops:

If the King can dispense, it amounts to an abrogation and repeal of all laws. If this be once allowed, there will be no need of Parliament; all the legislation will be in the King, which is a thing worth considering, and I leave the issue to God and your consciences.

The jury came into court on the 30th of June and found the bishops not guilty; whereat, says the report, "there were great shouts in court and throughout Westminster Hall." The shouting was regarded by Judge Jeffries, of infamous immortality, as indecent. Such shouting has not yet died away. The echoes of that shouting hailed William of Orange as the new King; and the same echoes are going on now and here, proclaiming, in answer to last fall's verdict of the free people of America, that there is to-day no cause or pretext to suspend our fundamental law, but that the Constitution "as it is" shall be regarded.

#### INDICTMENT OF HISTORY—EXCESSES OF POWER.

Mr. Speaker, these lessons of history as to the abrogation of fundamental law and the establishment of military codes will be unheeded by this Congress, but not by the American people. This bill will pass this House. It simply overloads our statutes with what Burke called an exuberance of mischief, unknown even to despotism. This side of the House, aided by some thirty gentlemen opposite, have done all they could to avert the great evil. For this, the gentleman from Massachusetts [Mr. BUTLER] has arraigned these republican lovers of liberty, with merciless irony. He charged them with taking their luxurious ease, while he and his band here struggled to fix upon the statute-book this monstrous law of intermeddling and coercion. I trust gentlemen are not to be deterred, by such an attack, from their whole duty to the end! If this bill becomes a law, what is the dire consequence? It will bring only a disorderly tyranny. The history of reconstruction, with its penalties and force, its frauds and spites, has been dark enough. It has been a tissue of folly, tumult, ruin, violence, and usurpation. It is a history "of eternal conspiracies worse than that of Greece." It does not banish Themistocles, but it banishes honesty. It does not starve Aristides, but it starves whole populations. It does not force Miltiades into exile or poison Socrates, but it does worse, it destroys States, and it exiles the people. "All the violence and wickedness by which a beginning power must acquire strength and all the weakness by which falling States are brought to complete destruction," are inaugurated in such measures as this.

If I might change somewhat a paragraph in a recent article from an English statesman and apply it to this measure, I would say: "The magistrate, after sacrificing order, peace, union—all the interests which it is his first duty to protect—for the alleged purpose of promoting liberty and justice, will be forced, after experience, to admit that he has really been promoting tyranny and wrong." The sounder the doctrines of such a magistrate the stronger are the arguments against the policy which deprives a good cause of its natural advantages.

#### WHERE IS THE RELIEF?

Mr. Speaker, history, economy, philosophy—in fine, all results from the experiences of mankind point to the fatal effects of such measures of force as this bill, while they point to the beneficial consequences of the policy of conciliation. Where and when are these direful consequences to cease? When and where are we to sound the glad tidings of individual brotherhood and State equality? Were our elections indeed a failure? Do we who oppose this bill not represent the moral though not the numerical majority of this House and in the grand total the voice and conscience of the people?

What relief, then, is there for the stricken South? Is it only in the appeal which one of old made in his great distress and so apposite to this time?

I would seek unto God, and unto God would I commit my cause: which doeth great things and unsearchable; marvelous things without number: He disappointeth the devices of the crafty, so that their hands cannot perform their enterprise. He taketh the wise in their own craftiness: and the counsel of the froward is carried headlong.—*Job*, v: 8, 9, 12, 13.

But how long, O, how long, are we to wait for this divine relief, and for the undoing of the crafty and froward? The voice of the people last fall remains unheeded. Radicalism still moves on here under the guise of legislation. She flaunts her black banner in our faces. She glories in her triumphs over the prosperity and happiness of our beautiful sunny South. The verses of one of our native poets fitly, though quaintly, describes the desolation which has followed her path:

#### A WASTED LAND.

She came, and with her hand,  
With her mouth, yea, and her eyes,  
She hath ravaged all the land;  
Its beauty shall no more rise:  
She hath drawn the wine to her lip  
For a mere wanton sip;  
Lo, where the vine branch lies;  
Lo, where the drained grapes drip.

Her feet left many a stain;  
And her lips left many a sting;  
She will never come again,  
And the fruit of everything  
Is a canker or a pain:  
And a memory doth crouch  
Like an asp—yea, in each part  
Where she hath left her touch—  
Lying in wait for the heart.

[Joaquin Miller.]



But the time is at hand when her career will be ended and the ravages of the spoiler shall cease. The wantonness of power is nearly over. The canker and pain, they too will soon cease. Patience, and moderation—moderation, *moderation* above all. Be true to these, gentlemen of the South, and before the gray dawn of the morning which ushers in the hundred years of our independence shall have passed, the States, all in unison and self-respecting and respected, will make according harmony.

## CONCLUSION.

Ah, Mr. Speaker, it is the saddest of my reflections that the real remedy for these southern troubles, dangers, uncertainties—the one mode which you did not and do not employ was yet so simple, so obvious, so easy! The small humanity of concession, the cheap generosity of conciliation, would have accomplished all that your repressions and coercions have so signally failed to accomplish. There was discontent at the South, but it would have vanished before a policy of kindness such as you might honorably have adopted; or, if you could not be kind, if you had only let these stricken and brave people alone—severely, nay, even contemptuously alone! What was it that blotted out of existence the non-jurors who had kept England uneasy with their intrigues and rebellions for five convulsive reigns? It was not repressive legislation, for that was the pabulum and the inspiration of their existence. It was not persecution, for it was that upon which they chiefly thrived. It was the cessation of persecution. It was the abandonment of pursuit. It was the complete, definite, final ignoring of restrictive laws, and the extension of amnesty so absolute as to be actually contemptuous that made voiceless these ancient and experienced trumpets of sedition. They had successfully held up against all the power of the Parliament and the Throne. They could not contend, they perished as suddenly as *ephemera* before the gentle yet withering zephyrs of contempt and silence! How long would these misguided southern youth have been likely to keep up their childish Ku-Klux masquerade, with its stupid ceremonial, its clumsy garb, and its night walking, but for the incentive of your frowns and the flattery of your restrictions?

One word more, sir, and I have done. We are not here any longer to ask, as we have so often done, for charity, for liberality, for mercy toward the South. We are here to demand justice, strict justice, necessary justice, and justice not only for the harried and suffering South, but justice for the whole suffering Union, that is growing leprous with the contagion which your acts have disseminated. The deadly virus is already in our veins, and we are in danger of being stricken down as the host of Sennacherib perished in a single night before the breath of the destroying angel. Save the South, sir, or the whole country will perish!

Mr. COBURN yielded to the gentleman from Maryland, [Mr. OBRIEN.]

[Mr. OBRIEN addressed the House. His remarks will appear in the Appendix.]

Mr. COBURN. I now yield for five minutes to the gentleman from Tennessee, [Mr. NUNN.]

Mr. NUNN. Mr. Speaker, I feel with the gentleman from New York [Mr. COX] who has just spoken the solemnity of this occasion. It is a solemn occasion, for in my judgment the life or death of hundreds, ay, of thousands, depends upon the passage or rejection of this measure. Not so much upon the fact that it is passed, as the immediate effect which will be produced. Let the people in the North and in the South only understand there is a power, that there is an authority somewhere to check these outrages and murders, and from that instant they will cease and there will be no further necessity for the execution of this law. If, on the other hand, you reject this bill you will give license to these wrong-doers to continue as they have done for years.

Now, Mr. Speaker, I do not care what are the reports of investigating committees in reference to affairs in the South. I do not go to Alabama with her bloody record, nor to Mississippi with her miserable Vicksburg, nor to Louisiana with the bloody streets of New Orleans, but I have only to refer to my own State. In Tennessee, in my native State, almost at my own door, in the adjoining county, in my own district, if you please, the lives of sixteen men were taken, men who were hung, shot, or otherwise murdered. What was the result? We are told not one of these things ever was done except the parties were indicted in the State courts. But for what? Was it for murder? No, sir; but simply for wearing masks in the night-time. Masked men are roaming that country at large. It is not only so in that county, but turn to the adjoining county to the left of where I live. There two deputy sheriffs, clever, honest, intelligent gentlemen, whose honesty and independence nobody dare attack, were shot down.

A MEMBER. When?

Mr. NUNN. Last fall in Tennessee they were shot down and afterward died, and the sheriff himself is now a refugee from his own home.

A MEMBER. For what were they shot down?

Mr. NUNN. In attempting to make an arrest of men who had violated the law, men who had shot people the day before. As I have said the sheriff, a man than whom none more gallant and honorable lived anywhere, is to-day a fugitive from his home; and for what? Simply for the purpose of attempting to enforce the laws of the State of Tennessee. And what was the result? The republicans elected by from one thousand to fifteen hundred majority the sheriff of the county. A very short time afterward he was driven from his home

and his deputies were murdered in the streets. The next election the democrats carried the county by a thousand majority.

When you pass this law you stop these outrages. There will be no necessity for its enforcement; because when they understand that these things have to be stopped and the power is vested in the President of the United States to stop them, then they will cease; otherwise they never will.

[Here the hammer fell.]

Mr. NUNN. I desire just one minute more.

Mr. COBURN. I cannot yield further. I now yield twenty minutes to the gentleman from New York, [Mr. TREMAIN.]

Mr. ATKINS. I desire to ask my colleague one question. Does he say that sixteen men were taken out of Gibson County and hung?

Mr. NUNN. They were hung, assassinated, or otherwise disposed of by the Ku-Klux.

Mr. ATKINS. Not a man of them was hung. Only five were shot, and the balance escaped.

Mr. G. F. HOAR. Let me ask this—

Mr. COBURN. I cannot yield further.

Mr. NUNN. Then I ask leave to print the remainder of my remarks. There was no objection.

Mr. TREMAIN. I will yield to the gentleman from Tennessee [Mr. NUNN] a minute of my time.

Mr. NUNN. Whenever any proposition is made, whenever any measure is introduced to correct these outrages, when the President makes any effort in that direction, the cry is that the republican party wants Grant to be military dictator. Allow me to say here, Mr. Speaker, that I had rather see Grant, with the confidence I have in his ability, with the confidence I have in his integrity, and with the confidence I have in his patriotism, I would rather see him military dictator than see any man on earth President of the United States who would sit silently by and see the weak and the helpless trodden down and oppressed without attempting to stop it.

Mr. TREMAIN. Perhaps no more important question has been presented to this Congress or indeed to any American Congress than that which is involved in this bill. The friends of this bill regard it as a measure connected with a series of other measures on which they had hoped that the opinion of the House of Representatives might be obtained. The civil-rights bill was one of that series of measures. The judgment of this House upon the Arkansas case and upon the Louisiana case it was also hoped might be procured. And when, sir, the gentleman from Massachusetts [Mr. PIERCE] exclaimed that he was sorry that in the expiring moments of the House this question should be brought here, he could not have been ignorant of the fact that the reason why it has been delayed has not been owing to the friends of this bill.

We have, sir, struggled in season and out of season to bring these matters before the House. Every avenue has been closed except that which was opened by the committee whose reports were privileged; and when the unwritten history of these struggles comes to be known to the country it will be surprised at the obstacles which the friends of these measures have been compelled to encounter to bring them before the House.

The struggles to obtain the amendment of the existing rules when it appeared that such rules were capable of being so abused as to prevent all legislation; the repeated scenes of filibustering which have taken place in this House; the refusal of some of our republican members to suspend the rules, and the openly declared opinions and action of many of them adverse to any political action by this House upon the southern question—that issue which in my judgment is one of the most vital and important issues now pending before the American people—all these things attest the obstacles and difficulties under which the rank and file of the party have labored in their earnest efforts to procure affirmative, vigorous, and efficient action by the present Congress.

But, sir, I rejoice at last that there is an opportunity for us to make up a record. I rejoice, even if this bill shall fail, that those men, though they are the rank and file of the party, who have struggled to show the people that they have been desirous of doing something in regard to this southern question will have at least the poor privilege of putting their names upon the record in favor of this measure. And I hope too an opportunity may be afforded to express our views upon the other kindred measures with which this is so intimately identified.

Sir, I thank the gentleman from Indiana [Mr. COBURN] for giving me an opportunity to express my views upon this bill. I cannot attempt in the limited period allotted to me to discuss the general principles of the measure. I hope, however, to answer some of the objections which have been urged against this bill.

In the first place, Mr. Speaker, I hope and trust that the motion made by the distinguished gentleman from Massachusetts [Mr. E. R. HOAR] to strike out the first, second, and fourth sections of the bill will not prevail. The first two sections relate to a kindred subject, and may be considered together. The first is designed to protect a State government against a combination and conspiracy formed within the United States in an adjoining State to overthrow the government by unlawful, violent, and forcible means. The second section aims at the same objective point. It seeks to protect the State government against a conspiracy formed within the State by force and violence to overthrow that government. Both sections declare it to be



an offense against the United States for such conspirators to overthrow and usurp or to attempt to overthrow and usurp such governments by forcible, violent, unlawful, and revolutionary means.

It is the duty of the Legislature to keep up with crime. Crime is ingenious and always in advance of existing criminal codes. Recent events have shown that combinations have been formed for the purposes against which this bill is aimed, and no legislation is found upon the Federal statutes adapted to such a case. It is the duty of prudent and wise legislators to keep pace, if possible, with the progress of crime by providing adequate means for its prevention and punishment. Sir, I trust there is no man on this floor who does not admit the wisdom and the propriety of some measure like the present, if we have the constitutional power to pass it, that it may protect the existing State governments.

Look at the city of New Orleans. On the 14th of September Mr. Penn, by an armed insurrection, overthrew by a preconcerted conspiracy the existing government of that State, and if it had not been in the power of the governor and lieutenant-governor of the State to appeal to the Federal Government there would have been no power on earth to secure the protection of the citizens of the State and to enforce the execution of their laws. Here was a conspiracy whereby several thousand armed men had prepared and perfected their lawless plans, and suddenly rising destroyed the lives of many peaceable citizens, took possession of the State-house by force, intimidation, and violence, and overthrew the existing government of the State. The governor appealed to the President for aid, and he responded. The soldiers then sent were present at the subsequent organization of the Legislature of Louisiana.

Sir, a few men in the United States service were sent upon the demand of the governor to preserve the peace, and it is because they were there that the scene transpired at the organization of the Legislature that shook this country from center to circumference. Who believes that if there be a law on the Federal statute-book to prohibit these offenses and make them punishable by Federal jurisdiction these offenses would have been committed. We know that organizations have been formed in some of the States to overturn the government; there are organizations in neighboring States to aid in that work. But, says the gentleman from Vermont, [Mr. POLAND,] my worthy and esteemed colleague on the Judiciary Committee, we have not the constitutional power to do it. Have we not? What can be plainer than the power to authorize the protection and preservation by Federal power of existing State government in a State? Section 8 of article 1 of the Constitution declares that Congress shall have power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

I now turn to the power of the United States in relation to the existing governments of the States, and it will be found in section 4 of article 4 of the Constitution, where it is declared that—

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

The moment a State becomes one of the family of the Union the axis of the Federal Government extends over it and we are bound to protect it, and all the means that are necessary to accomplish that object are given to Congress. Congress is the exclusive judge of the degree of the necessity that exists and of the means that shall be employed.

In the case of *McCulloch vs. The State of Maryland*, quoted in 4 Wheaton, Marshall, the Chief Justice says:

If the end be legitimate and within the scope of the Constitution, all the means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect.

If a certain means to carry into effect any of the powers expressly given by the Constitution to the Government of the Union be an appropriate measure not prohibited by the Constitution, the degree of its necessity is a question of legislative discretion, not of judicial cognizance.

This fundamental rule of construction has never been departed from, but has been repeatedly sanctioned by the Supreme Court of the United States.

And yet we are told that although we have the power to admit a State into the Union, although we are bound to protect the existing government of that State, although we are obliged upon the application of the governor of that State, if it be invaded, or insurrection ensues, or domestic violence exists, to send all the military and naval forces of the Government to maintain it, yet, forsooth, we have not the power either by civil or criminal legislation to prevent the government so established from being invaded, usurped, or overthrown. I submit that such an argument as that scarcely deserves serious consideration. It is for us to judge whether protection is needed and what protection shall be accorded.

Now, the fourth section of the bill follows the line of precedent, precedent at all events of the republican party, and while it may be disregarded on the other side of the House, they should at least be respected on this side. In the acts of 1870 and 1871, passed by a republican Congress, and which were signed by a republican President, it was made criminal for State officers of registration to violate their duties as registration officers of the State where that violation

of duty deprived the citizen of his right to vote for a Representative in Congress. I refer to the act of 1870, passed on the 31st day of May, and which will be found in the sixteenth volume of the Statutes at Large, page 145, where these duties were specially imposed on registration officers to have a fair registration under the laws of the States.

The twentieth section of that act is as follows:

And be it further enacted, That if, at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person shall knowingly personate and register, or attempt to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently register, or fraudulently attempt to register, not having a lawful right so to do; or do any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevent or hinder any person having a lawful right to register from duly exercising such right; or compel or induce, by any such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interfere in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induce any officer of registration to violate or refuse to comply with his duty, or any law regulating the same; or knowingly and willfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote, or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be deemed guilty of a crime, and shall be liable to prosecution and punishment therefor, as provided in section 19 of this act for persons guilty of any of the crimes therein specified: *Provided*, That every registration made under the laws of any State or Territory, for any State or other election at which such Representative or Delegate in Congress shall be chosen, shall be deemed to be a registration within the meaning of this act, notwithstanding the same shall also be made for the purposes of any State, territorial, or municipal election.

Now, sir, we impose no new and additional duties upon the State officers by this Federal legislation than were already imposed by the laws of the State. The above section was amended in 1871 so as to read as follows:

SEC. 20. And be it further enacted, That if [at] any registration of voters for an election for Representative or Delegate in the Congress of the United States any person shall knowingly personate and register, or attempt to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently register, or fraudulently attempt to register, not having a lawful right so to do; or do any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer or promise thereof, or other unlawful means, prevent or hinder any person having a lawful right to register from duly exercising such right; or compel or induce by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interfere in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induce any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or if any such officer shall knowingly and willfully register as a voter any person not entitled to be registered, or refuse to so register any person entitled to be registered; or if any such officer or other person whose duty it is to perform any duty in relation to such registration or election, or to ascertain, announce, or declare the result thereof, or give or make any certificate, document, or evidence in relation thereto, shall knowingly neglect or refuse to perform any duty required by law, or violate any duty imposed by law, or do any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person shall aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be deemed guilty of a crime, and shall be liable to prosecution and punishment therefor as provided in section 19 of said act of May 31, 1870, for persons guilty of any of the crimes therein specified: *Provided*, That every registration made under the laws of any State or Territory for any State or other election at which such Representative or Delegate in Congress shall be chosen shall be deemed to be a registration within the meaning of this act, notwithstanding the same shall also be made for the purposes of any State, territorial, or municipal election.

The Federal Government finds certain officers clothed with certain powers, franchises, and privileges by the laws of the State which may place it in their power to deprive an elector of his right to vote for Representatives in Congress, and thus commit a Federal wrong. Congress is clothed with power to create and define new offenses. This fourth section simply declares that if a State officer shall willfully and corruptly avail himself of his official position to do this wrong he shall be subject to Federal jurisdiction. We punish him for the wrong he has done to a citizen entitled to vote for Representatives in Congress. The question of our right to enforce the execution of a State law is not involved. It is the corrupt obstruction of the right of the elector to vote for members of Congress which we punish. His baton of State authority, which enables him to do the wrong, we declare shall not exempt him from punishment. And that is all there is of this groundless objection. Our Constitution and Federal laws are declared to be supreme, anything in the laws of a State to the contrary notwithstanding. We do not attempt to do anything more except to say to these State officers, "You shall not use your power by a maladministration of it, not by mere nonfeasance but by willful and corrupt malfeasance, to deprive the elector of his right to vote for a Representative to Congress; you shall not willfully and corruptly withhold the certificate of registration authorizing him to vote; you shall not by artifice and fraud prevent him from registering."

This fourth section is in these words:

SEC. 4. That in case the registration officers appointed under the laws of any State or Territory, where by the laws of said State or Territory registration is required as a condition of voting at any election for Representatives in Congress, shall willfully or corruptly refuse or neglect to give any persons entitled to vote at any precinct or voting place established under the provisions of the laws of Congress or of any State or Territory, full and sufficient opportunities to register in the manner prescribed by law and within the time fixed by law, or shall, by any device or subterfuge, impose conditions or enforce discriminations upon voters or classes of voters not declared in such registration laws, or shall refuse or neglect on request made by the voter or his agent to furnish such voter with a certificate of registra-



tion or such other form of evidence of the same as may by law be required in such State or Territory, such officer shall be deemed guilty of a crime, and, on conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or imprisoned not less than six months nor more than two years, or both, at the discretion of the court trying the same.

Mr. SMITH, of New York. Will my colleague allow me—

Mr. TREMAIN. I have no time to be interrupted, or I would be glad to answer any and all questions. The Federal Government acts upon the individual. When an individual is clothed by a State with the power to deprive a citizen of the right to vote, we say to him, "If you use that power willfully and corruptly, you shall be subject to Federal jurisdiction." The Constitution gives to Congress the power to prescribe all the regulations necessary in the judgment of Congress to carry on an election of Representatives in Congress. Section 4 of article 1 declares that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations." The registration proceeding may well be considered as a regulation of the election, and this House has express power to make such regulations.

The whole subject is confided to Congress. Does not the greater include the less? We say to the State officer, "When you assume a duty in regard to the election of Representatives in Congress, you shall not so discharge that duty as to be guilty of depriving a citizen of his right to vote." We further say that if that individual has possession of certain powers and privileges he shall not use them to the prejudice of electors of members of the House of Representatives. This officer is charged with certain duties affecting both the State and Federal sovereignties, and by accepting the position he cannot divest himself of all control over his action of the superior power, or protect himself from responsibility by the plea that he is a State officer.

Now in regard to the suspension of the writ of *habeas corpus*. I am satisfied with this bill as it was reported by the committee. I want no limitation as to territory. And why? Because the bill carries its own limitations with it, and the language of this *habeas corpus* suspension in this bill is precisely the same with the language contained in the act that was passed by Congress known as the Ku-Klux act, and which will be found on pages 14 and 15 of volume 17 of the Statutes at Large, except that we bring in two cases prescribed by the first section of this bill, and say that where there is a rebellion, arising under this section as well as under the general provisions of the bill or otherwise defined, so powerful that the local authorities cannot control it, the power to suspend the writ shall be given. The law of 1871, known as the Ku-Klux law, is as follows:

Sec. 4. That whenever in any State or part of a State the unlawful combinations named in the preceding section of this act shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of such State and of the United States within such State, or when the constituted authorities are in complicity with, or shall connive at, the unlawful purposes of such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the Government of the United States, and during the continuance of such rebellion, and within limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the writ of *habeas corpus*, to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of an act entitled "An act relating to *habeas corpus*, and regulating judicial proceedings in certain cases," approved March 3, 1863, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *Provided further*, That the President shall first have made proclamation, as now provided by law, commanding such insurgents to disperse: *And provided also*, That the provisions of this section shall not be in force after the end of the next regular session of Congress.

Let us read section 13 of the present bill:

Sec. 13. That whenever in any State, or part of a State, the unlawful combinations named in section 5999 of the Revised Statutes, and in the first and second sections of this act, shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of said State and of the United States within said State, or when the constituted authorities are in complicity with or shall connive at the unlawful purposes of such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the Government of the United States, and during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privilege of the writ of *habeas corpus*, to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of the act entitled "An act relating to *habeas corpus*, and regulating judicial proceedings in certain cases," approved March 3, 1863, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *And provided further*, That the President shall first have made proclamation, as provided by law, commanding such insurgents to disperse.

It will be seen that there are two limitations provided for in this section, the one being the existence of such a powerful insurrection as to overpower the State and Federal authorities, and the other the proclamation of the President declaring upon his official responsibility the existence of such rebellion.

But inasmuch as some gentlemen desire to have it limited, and inasmuch as our investigating committees have been confined to the four States named in the amendment submitted by the gentleman

from Massachusetts, [Mr. G. F. HOAR,] I shall have no objection to adopting his amendment. If we cannot have all we want, we will take what seems to be more agreeable to others.

But I see no difficulty in the way of suspending the writ of *habeas corpus* where, first, there is a rebellion so strong that the local State and United States authorities cannot overcome it; and, second, where the President, acting under the responsibility of his office, and being liable to impeachment for failure of duty or misconduct in office, shall issue a proclamation declaring that that state of things does exist within the territory to which the proclamation shall apply. Now, I could vote cheerfully for this bill substantially as reported by the committee, with the modifications suggested by the gentleman from Massachusetts who sits near me, [Mr. BUTLER.] Those modifications are merely to make plain what I think was sufficiently plain before, that this suspension shall be limited to the insurrectionary districts; and I have no objection to limiting it as to time. Then the question comes back for us to determine, do we believe that a state of things exists which renders it proper and expedient to pass this law?

I admit that there is unfortunately a difference of opinion among gentlemen on this side of the House. I concede to those who differ with me the same sincerity which I claim for myself and for the friends of this bill. But if they could see this subject from the stand-point we see it from, I am sure they could not withhold their support from this bill. We cannot shut our ears against the testimony that comes up from the South; we cannot shut our ears against the appeals made by Representatives on this floor of four millions of emancipated freedmen asking us for protection of lives, property, and their political rights; we cannot shut our eyes and ears against the testimony coming from these investigating committees.

It seems to me that we are drifting toward a second rebellion, and that some of our sentinels and officers charged with the protection of the rights of the people are sleeping at their posts of duty. The question is, shall we apply our powers of legislation to prevent existing evils and wrongs, or shall we finally resort to bayonets and war? I see what in my judgment are most plain indications that we are drifting towards the maelstrom of another rebellion. In no other way can I understand this concerted destruction of human life, these organizations of white-leaguers throughout the South, these organized bands of banditti throughout the States lately in rebellion, seeking to obtain political power not by fair argument, but by force and violations and fraud, without regard to the wishes of the people.

And here I desire to say that when the gentleman from Missouri, [Mr. BUCKNER,] of the minority of the committee, who spoke yesterday, quoted from the Republican, he in fairness should have quoted a little further. When that paper stated that one object of this bill was to preserve the electoral votes of certain States to the republican party, he ought to have read the further statement that there were at least nine of those States in which upon a fair and honest election a majority of the electoral votes would be in favor of a republican President. With that qualification we are willing to say that such is one of the objects of the bill. Its primary object, however, is the protection of the rights of the people, the preservation of law and order, and the protection of the ballot-box and its purity. It is to secure to men who have been emancipated and to their political friends the right to enjoy the elective franchise. "If this be treason, make the most of it." For one I will say (because I may have no other opportunity to say it, and gentlemen have gone out of their way to express their views on these other questions) that I am willing to take all the odium and all the responsibility that may follow from the declaration I make here and now, that while I would that the state of things now existing did not exist, yet believing that it does exist, I think we should be false to ourselves and false to our duty if we did not seek to secure the fruits that have been won by such sacrifices of blood and treasure.

I say further that if I have an opportunity to vote upon the question I shall be compelled to vote against the resolution submitted by my esteemed colleague on the Judiciary Committee [Mr. POLAND] in regard to Arkansas. I shall vote, if I have the chance, in favor of the declaration that Joseph Brooks was elected governor of that State, and that the constitution of Arkansas of 1865 has never been abrogated; that the present constitution is a mockery, a fraud, and a delusion. If I have a chance I shall vote with pleasure for the resolution submitted by the committee from Louisiana declaring that William P. Kellogg is the governor *de facto* of that State and that the arm of the President should be upheld and supported, let the consequences be what they may. "If this be treason, make the most of it." "Let justice be done though the heavens fall."

[Here the hammer fell.]

[Mr. BECK, Mr. LAMAR, Mr. MOREY, Mr. CALDWELL, Mr. PELHAM, Mr. PAGE, Mr. SHERWOOD, Mr. COMINGO, Mr. SMITH, of New York, Mr. PARKER of New Hampshire, and Mr. SWANN obtained leave to have remarks printed in the RECORD as part of the debate on the pending bill.]

Mr. RANDALL. I desire to suggest that leave be granted generally to all gentlemen who may desire it to print remarks in the RECORD, with the understanding that nothing unparliamentary or of a personal character shall be inserted in the speeches.

Several MEMBERS. That is right.

Mr. RANDALL. Every member ought to be on his honor in that respect.



The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Pennsylvania, [Mr. RANDALL?]

Mr. G. F. HOAR. I do not think there should be a general license to write out speeches to be printed. I do not wish to be understood as objecting in the case of any member who may rise and ask the privilege of printing remarks which he has prepared for this occasion but has no opportunity to deliver. I think, however, it would be a very bad precedent to adopt a general order of the kind suggested by the gentleman from Pennsylvania.

Mr. COBURN. I now yield to the gentleman from Ohio, [Mr. FINCK.]

Mr. FINCK. Mr. Speaker, in the short time allotted to me in this debate it will be impossible to enter upon a discussion of the several sections of this bill. I shall therefore confine myself principally to the examination of the provisions of the thirteenth section, authorizing the President to suspend the privilege of the writ of *habeas corpus*.

The second paragraph of section 9 of article 1 of the Constitution of the United States reads:

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Now I insist, Mr. Speaker, that the authority thus conferred upon Congress is not only limited to cases of actual rebellion or invasion, but that the rebellion or invasion must be of such character as to put in peril the public safety. It is not sufficient alone that a rebellion or an invasion is apprehended, but such a state must actually exist and be of such magnitude as to threaten the national compact and the Constitution itself. And in this connection I call the attention of the House to the discussion which occurred in the House of Representatives in 1807, on the bill which had passed the Senate authorizing the President, Thomas Jefferson, to suspend the privilege of the writ of *habeas corpus*. The proposed legislation grew out of the troubles then existing known as the "Burr conspiracy." The Senate sent the bill to the House on the 26th of January, 1807. And a full discussion took place, participated in by some of the leading members of the House. In that debate, Mr. Elliott, a member from the State of Vermont, among other things, asks—

Have we a right to suspend it in any and every case of invasion and rebellion? So far from it, that we are under a constitutional interdiction to act unless the existing invasion or rebellion in our sober judgment threatens the first principles of the national compact and the Constitution itself. In other words, we can only act in this case with a view to national self-preservation. We can suspend the writ of *habeas corpus* only in a case of extreme emergency; that alone is *salus populi*, which will justify this *lex suprema*.

In a speech delivered on the same bill by Mr. Eppes, a member from the State of Virginia, he says:

It is not in every case of invasion nor in every case of rebellion that the exercise of this power by Congress can be justified under the words of the Constitution. The words of the Constitution confine the exercise of this power exclusively to cases of rebellion or invasion where the public safety requires it.

And further on in the same speech he says:

I consider the provision in the Constitution for suspending the *habeas corpus* as designed only for occasions of great national danger. Like the power of creating a dictator in ancient Rome, it prostrates the rights of your citizens and endangers public liberty.

In the same discussion Mr. R. Nelson, a member from the State of Maryland, speaking of the Burr conspiracy, which in the debate had been denominated a rebellion, says:

But admit that it is a rebellion; will every rebellion justify a suspension of the writ of *habeas corpus*?

And after quoting the clause of the Constitution authorizing the suspension, proceeds to say:

Does, then, the public safety require this suspension? Does the Constitution justify it? And under present circumstances, confining a man in prison without a cause. There is no danger; the enemy is not at our door; there is no invasion; and yet we are called upon to suspend the writ of *habeas corpus*.

I also desire to call the attention of the House to the speech delivered during that discussion by Mr. John Randolph, of Virginia. He said:

My view of the subject is this: that the privilege can only be suspended in cases in which not merely the public safety requires it, but that the case of the public safety requiring it must be united with actual invasion or actual rebellion.

And further on he says:

For myself, I have no hesitation in saying that I will not grant this power at any time, except under the most imperious necessity, and I say this without any disrespect to this honorable body or to any of the public functionaries. Take man as he is, and in his best estate you find him an animal prone to abuse and corruption. There does not exist a single constitution or law in the world that does not enforce this salutary truth.

The result of the discussion on the question, "Shall the bill be rejected?" was—yeas 113, nays 19.

The defeat of the bill by so large a majority, as well as the discussion to which I have called the attention of the House, shows how unanimous was the opinion of the Representatives of the people at this early day that this great writ of liberty should be preserved in its full integrity and should not be suspended except under the most imperious necessity. And now let me inquire whether there exists to-day a state of actual rebellion or invasion in any section of the Republic? I do not believe any gentleman will deliberately maintain that such a state of affairs exists. On the contrary we know well that peace extends throughout our borders; that in every State the execution of the laws is unobstructed, and the courts are in the full and complete exercise of their powers.

But, Mr. Speaker, I maintain that if it was a fact that either invasion or rebellion existed in some quarter of the Union, yet this would not warrant the passage of this bill unless the public safety was thereby put in great peril. But in a time of peace, without any threat of rebellion or invasion, this dangerous and extraordinary measure is pressed upon the House. It is only adapted to a state of war. It arms the President with power which would be dangerous in the hands of the purest and most eminent statesman of any age. I would be unwilling in the present condition of the country to intrust this alarming power in the hands of any man, and certainly my repugnance to do so is greatly increased when it is proposed to place this power in the hands of a distinguished military chieftain.

Mr. Speaker, there is no danger of rebellion or invasion which to-day threatens any of the States or the peace and quiet of the Republic. I know that the provisions of this bill are intended to apply especially to the people of the Southern States. But, sir, what is the condition of the people of these States? Impoverished by the results of the late war. Laboring to restore themselves and their States again to prosperity. In good faith yielding obedience to the Constitution and laws of the United States, they desire nothing more ardently and sincerely than a true and lasting peace and that restoration between themselves and the people of the several States of mutual confidence and regard for each others rights which is due from all of the citizens of this Union to each other. And I ask is it just, is it fair and reasonable that you should place upon the statutes of the nation a measure like this, a deliberate declaration of a want of confidence in them and of their good faith to the Union?

Shall we by the passage of this bill subject these people to the charge of nursing treason in their midst? Or that they contemplate rebellion or invasion against the States, or that we are again on the eve of civil war? It seems to me that no thoughtful man, on a full consideration of the true condition of these people, can entertain a well-founded apprehension that they contemplate the commission of either of these great wrongs.

I implore gentlemen to pause before they adopt this measure. True statesmanship would require that we should labor earnestly to heal the wounds caused by the late unhappy and destructive war, and as far as possible restore that feeling of mutual confidence and affection without which there can be no real union among these States. The passage of this bill can only produce mischief, and probably serious oppression and wrong, and would establish a dangerous precedent in our history.

The privilege of this great writ of *habeas corpus* cannot be too highly prized, or guarded with too much vigilance by a free people. The history of the noble struggle made by the people of England, who fought and suffered to achieve and establish it, the sacredness with which it has been secured and transmitted to us by the wise men who have gone before us, should warn us of our duty in preserving unimpaired a right so sacred and so invaluable to the preservation of the rights of a free people.

Mr. COBURN. I yield twenty minutes to the gentleman from Alabama, [Mr. WHITE.]

Mr. WHITE. I yield ten minutes to the gentleman from Michigan, [Mr. BURROWS.]

Mr. BURROWS. Mr. Speaker, the hour for argument has passed. I rise in the closing moments of this debate but for a single purpose. The bill before the House has for its object the protection of the lives, the liberty, and the property of American citizens—nothing more.

There is at this time in a portion of the country a disturbed condition of affairs, and this bill is intended to reach and remedy that condition. It would be wholly unnecessary, even if time permitted, to enter upon an extended examination of the evidence establishing the great disorder in the Southern States which would seem to make necessary the passage of this law.

In addition to the voluminous report of the Ku-Klux outrages, filling thirteen volumes of recorded crime, we have the report of several committees just laid before the House fully confirming these outrages. But I cannot enter into detail. I may be permitted, however, to lay before you portions of the documents accompanying the President's message to the Senate of the 13th of January last, which would seem to call for some action on the part of the legislative branch of the Government and give some idea of the condition of affairs in the Southern States. I will ask the Clerk to read the following from the President's message and accompanying documents:

To put this matter beyond controversy I quote from the charge of Judge Woods, of the United States circuit court, to the jury in the case of *The United States vs. Cruikshank and others*, in New Orleans, in March 1874. He said:

"In the case on trial there are many facts not in controversy. I proceed to state some of them in the presence and hearing of counsel on both sides; and if I state as a conceded fact any matter that is disputed, they can correct me."

After stating the origin of the difficulty, which grew out of an attempt of white persons to drive the parish judge and sheriff, appointees of Kellogg, from office, and their attempted protection by colored persons, which led to some fighting, in which quite a number of negroes were killed, the judge states:

"Most of those who were not killed were taken prisoners. Fifteen or sixteen of the blacks had lifted the boards and taken refuge under the floor of the courthouse. They were all captured. About thirty-seven men were taken prisoners. The number is not definitely fixed. They were kept under guard until dark. They were led out, two by two, and shot. Most of the men were shot to death. A few were wounded, not mortally, and, by pretending to be dead, were afterward, during the night, able to make their escape. Among them was the Levi Nelson named in the indictment."

"The dead bodies of the negroes killed in this affair were left unburied until Tuesday, April 15, when they were buried by a deputy marshal and an officer of the

militia from New Orleans. These persons found fifty-nine dead bodies. They showed pistol-shot wounds, the great majority in the head, and most of them in the back of the head. In addition to the fifty-nine dead bodies found, some charred remains of dead bodies were discovered near the court-house. Six dead bodies were found under a warehouse, all shot in the head but one or two which were shot in the breast.

"The only white men injured from the beginning of these troubles to their close were Hadnot and Harris. The court-house and its contents were entirely consumed."

To hold the people of Louisiana generally responsible for these atrocities would not be just; but it is a lamentable fact that insuperable obstructions were thrown in the way of punishing these murderers, and the so-called conservative papers of the State not only justified the massacre, but denounced as Federal tyranny and despotism the attempt of the United States officers to bring them to justice. Fierce denunciations ring through the country about office-holding and election matters in Louisiana, while every one of the Colfax miscreants goes unwhipped of justice, and no way can be found in this boasted land of civilization and Christianity to punish the perpetrators of this bloody and monstrous crime.

On the 14th of October eighty persons signed and published the following at Shreveport:

"We, the undersigned, merchants of the city of Shreveport, in obedience to a request of the Shreveport campaign club, agree to use every endeavor to get our employes to vote the people's ticket at the ensuing election; and in the event of their refusal so to do, or in case they vote the radical ticket, to refuse to employ them at the expiration of their present contracts."

On the same day another large body of persons published in the same place a paper, in which they used the following language:

"We, the undersigned, merchants of the city of Shreveport, alive to the great importance of securing good and honest government to the State, do agree and pledge ourselves not to advance any supplies or money to any planter the coming year who will give employment or rent lands to laborers who vote the radical ticket in the coming election."

Permit me to refer also to some portion of the report of General P. H. Sheridan:

HEADQUARTERS DIVISION OF THE MISSOURI.  
New Orleans, January 4, 1875.

W. W. BELKNAP,  
Secretary of War, Washington, D. C.:

It is with deep regret that I have to announce to you the existence in this State of a spirit of defiance to all lawful authority and an insecurity of life which is hardly realized by the General Government or the country at large. The lives of citizens have become so jeopardized that unless something is done to give protection to the people all security usually afforded by law will be overridden. Defiance to the laws and the murder of individuals seem to be looked upon by the community here from a stand-point which gives impunity to all who choose to indulge in either, and the civil government appears powerless to punish or even arrest.

I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed White Leagues. If Congress would pass a bill declaring them banditti, they could be tried by a military commission. The ringleaders of this banditti, who murdered men here on the 14th of last September, and also more recently at Vicksburg, Mississippi, should, in justice to law and order and the peace and prosperity of this southern part of the country, be punished.

The city is very quiet to-day. Some of the banditti made idle threats last night that they would assassinate me because I dared to tell the truth. I am not afraid, and will not be stopped from informing the Government that there are localities in this department where the very air has been impregnated with assassination for several years.

P. H. SHERIDAN,  
Lieutenant-General, Commanding.  
NEW ORLEANS, January 10, 1875.

Hon. W. W. BELKNAP,  
Secretary of War, Washington, D. C.:

Since the year 1866 nearly thirty-five hundred persons, a great majority of whom were colored men, have been killed and wounded in this State. In 1868 the official record shows that eighteen hundred and eighty-four were killed and wounded. From 1868 to the present time no official investigation has been made, and the civil authorities in all but a few cases have been unable to arrest, convict, and punish perpetrators. Consequently there are no correct records to be consulted for information. There is ample evidence, however, to show that more than twelve hundred persons have been killed and wounded during this time on account of their political sentiments. Frightful massacres have occurred in the parishes of Bossier, Caddo, Catahoula, Saint Bernard, Saint Landry, Grant, and Orleans. The general character of the massacres in the above-named parishes is so well known that it is unnecessary to describe them.

The isolated cases can best be illustrated by the following instances, which I take from a mass of evidence now lying before me of men killed on account of their political principles. In Natchitoches Parish the number of isolated cases reported is thirty-three; in the parish of Bienville the number of men killed is thirty; in Red River Parish the isolated cases of men killed is thirty-four; in Winn Parish the number of isolated cases where men were killed is fifteen; in Jackson Parish the number killed is twenty; and in Catahoula Parish the number of isolated cases reported where men were killed is fifty, and most of the country parishes throughout the State will show a corresponding state of affairs. The following statements will illustrate the character and kind of these outrages. On the 30th of August, 1874, in Red River Parish, six State and parish officers, named Twitchell, Divers, Holland, Howell, Edgerton, and Willis, were taken, together with four negroes, under guard to be carried out of the State, and were deliberately murdered on the 29th of August, 1874. The White League tried, sentenced, and hung two negroes on the 25th of August, 1874. Three negroes were shot and killed at Brownsville, just before the arrival of the United States troops in this parish. Two white-leaguers rode up to a negro cabin and called for a drink of water. When the old colored man turned to draw it, they shot him in the back and killed him. The courts were all broken up in this district and the district judge driven out.

In the parish of Caddo, prior to the arrival of the United States troops, all of the officers at Shreveport were compelled to abdicate by the White League, which took possession of the place. Among those obliged to abdicate were Walsh, the mayor; Rapers, the sheriff; Wheaton, clerk of the court; Durant, the recorder; and Ferguson and Renfro, administrators. Two colored men, who had given evidence in regard to frauds committed in the parish, were compelled to flee for their lives, and reached this city last night, having been smuggled through in a cargo of cotton. In the parish of Bossier the White League have attempted to force the abdication of Judge Baker, the United States commissioner and parish judge, together with O'Neal, the sheriff, and Walker, the clerk of the court, and they have compelled the parish and district courts to suspend operations. Judge Baker states that the white-leaguers notified him several times that if he became a candidate on the republican ticket, or if he attempted to organize the republican party, he should not live until election.

They also tried to intimidate him through his family by making the same threats to his wife, and when told by him that he was a United States commissioner, they

notified him not to attempt to exercise the functions of his office. In but few of the country parishes can it be truly said that the law is properly enforced, and in some of the parishes the judges have not been able to hold court for the past two years. Human life in this State is held so cheaply, that when men are killed on account of political opinions the murderers are regarded rather as heroes than as criminals in the localities where they reside and by the White League and their supporters. An illustration of the ostracism that prevails in the State may be found in a resolution of a White League club in the parish of De Soto, which states "that they pledge themselves under (no!) circumstances after the coming election to employ, rent land to, or in any other manner give aid, comfort, or credit to any man, white or black, who votes against the nominees of the white man's party."

Safety for individuals who express their opinion in the isolated portions of this State has existed only when that opinion was in favor of the principles and party supported by the Ku-Klux and White League organizations. Only yesterday Judge Myers, the parish judge of the parish of Natchitoches, called on me upon his arrival in this city, and stated that in order to reach here alive he was obliged to leave his home by stealth and after nightfall, and make his way to Little Rock, Arkansas, and come to this city by way of Memphis. He further states that while his father was lying at the point of death in the same village he was unable to visit him for fear of assassination, and yet he is a native of the parish, and proscribed for his political sentiments only.

It is more than probable that if bad government has existed in this State, it is the result of the armed organizations, which have now crystallized into what is called the White League; instead of bad government developing them, they have by their terrorism prevented to a considerable extent the collection of taxes, the holding of courts, the punishment of criminals, and vitiated public sentiment by familiarizing it with the scenes above described.

P. H. SHERIDAN,  
Lieutenant-General.

The following is from the platform adopted by the White League in Saint Mary on the 13th of July:

"We enter into and form this league for the protection of our own race against the daily-increasing encroachments of the negro, and are determined to use our best endeavors to purge our legislative, judicial, and ministerial offices from such a horde of miscreants as now assume to lord it over us."

"That to accomplish this end we solemnly pledge our honor to each other to give our hearty support to all that this league may determine by a majority of votes cast at any regular meeting, and to aid to the utmost of our ability in carrying out such measures as it may adopt."

"That we do not reject or condemn any white man for his political opinions so that he join us in the one grand object we may have in view."

The following is from the platform of the White League, adopted at Alto on the 11th of July:

"That we regard it the sacred and political duty of every member of this club to discountenance and socially proscribe all white men who unite themselves with the radical party; and to supplant every political opponent in all his vocations by the employment and support of those who ally themselves with the white man's party; and we pledge ourselves to exert our energies and use our means to the consummation of this end."

The following resolution was adopted at the White League convention at Franklin on the 1st of August:

"Resolved, That it is the sense of this convention that every member of the White League organization is in honor and duty bound zealously to support and vote for each and every regular nominee of the organization, to the exclusion of all other candidates or persons whatever."

The following is from the *Enterprise* of the 6th of August, published at Franklin, Saint Mary Parish:

"We ask for no assistance; we protest against any intervention. \* \* \* We own this soil of Louisiana, by virtue of our endeavor, as a heritage from our ancestors, and it is ours, and ours alone. Science, literature, history, art, civilization, and law belong alone to us, and not to the negroes. They have no record but barbarism and idolatry, nothing since the war but that of error, incapacity, beastliness, and crime. Their right to vote is but the result of the war, their exercise of it a monstrous imposition and a vindictive punishment upon us for that ill-advised rebellion. Therefore are we banding together in a White League army, drawn up only on the defensive, exasperated by continual wrong, it is true, but acting under Christian and high-principled leaders, and determined to defeat these negroes in their infamous design of depriving us of all we hold sacred and precious on the soil of our nativity or adoption, or perish in the attempt."

"Come what may, upon the radical party must rest the whole responsibility of this conflict, and as sure as there is a just God in heaven, their unnatural, cold-blooded, and revengeful measures of reconstruction in Louisiana will meet with a terrible retribution."

The following is from the *Shreveport Times* of July 9:

"If a single hostile gun is fired between the whites and blacks in this and surrounding parishes, every carpet-bagger and scalawag that can be caught, will, in twelve hours thereafter, be dangling from a limb. We do not say this in a spirit of bragado; we say it in the interest of peace, and we know what we are talking about."

Mr. Speaker, I have asked this much of the President's message to be read, as bearing upon the condition of affairs in one portion of the South, and tending to show the spirit and temper of the people.

But we are told to-day, and I have heard it repeatedly charged on the floor of this House, that the Federal Government under the administration of the republican party is the guilty author of all these outrages, of all this wrong, of all this persecution at the South. It is to this, and to this only, I desire to direct my reply. Sir, I may be permitted to say also that I am prompted to this reply in no small degree by the remarkable speech of my colleague, [Mr. WILLARD,] a speech delivered in this House last evening, which I do not believe reflects the sentiment of the State which I have the honor in part to represent. He admonished us that a decade had passed since the cessation of armed hostilities without bringing to the country harmony and peace, and then proceeds to arraign the republican party as the author of this discontent. It is true, sir, a full decade has gone by since the overthrow of armed resistance to Federal authority; yet it is past contradiction that in many portions of the South there has not been an hour since of substantial peace, not a moment when the sacred right of life, liberty, or property has been either respected or secure. Wrongs the most cruel, ostracism the most malignant, crimes the most revolting, revolutions the most unprovoked, conspiracies the most monstrous, persecutions the most relentless, riots the most bloody, and murder most foul, have characterized this era of southern repentance and returning loyalty.

Sir, I am fearful, if the history of the South for the last ten years could be written in all its horrible details, it would present one of the



bloodiest pages in the peaceful annals of the civilized world. Where does the responsibility for this rest? Who is the author of these unblushing crimes? These are pertinent inquiries. These are questions for us to answer before we can apply the proper remedy. Is it the Federal Government or the white man's party of the South, aided by northern democracy, which has brought upon the South all her woes?

Although it is admitted that this disorder is confined entirely to the Southern States, we are nevertheless told that the South is in no way responsible for it; that the South has accepted the situation in good faith; but that the Federal Government under the control of the republican party has been and is an instrument of unbridled tyranny. No words of denunciation are too severe, no language too bitter and intemperate, no malediction too terrible to fitly characterize the Federal Government in its dealings with the late rebellious States, while at the same time the people who were lately in arms against the Government are paraded as examples of patient suffering and heroic endurance worthy the imitation of martyrs.

Sir, I am not surprised that the democratic party of the North should continue to arraign that party which was made the object of its bitterest denunciation when we were struggling for the Nation's life; but it is a matter of profound astonishment that any Southern man can be found to take up the cry.

Never in the history of the world was there such an exhibition of magnanimity as that manifested by the Federal Government in its dealings with the Southern States. Southern chivalry should be prompt to recognize it. How can you say you have been dealt with tyrannically? Have you forgotten that in 1861 the Federal Government prostrated itself in the very dust, begging you to stay the fratricidal blow, and offered every measure of compromise consistent with the honor of the nation and the union of the States? Have you forgotten, in 1863, while the Government stood warding off with one hand the blow aimed at the nation's life, that in the other it held out to you a proclamation of almost universal amnesty? Have you forgotten the renewed proffer of pardon in 1864-'65-'67? Have you forgotten that on the 4th of July, 1868, the executive head of this nation proclaimed and declared "unconditionally and without reservation to all persons who participated in the rebellion full pardon and amnesty for the offense of treason?" Have you forgotten the generous terms of surrender at Appomattox? Have you forgotten that every seceded State has been received back into the Union with full restoration of all its rights? Have you forgotten that not a single man who participated in that conspiracy has ever paid the penalty of his treason? Do you forget that day by day measures for the removal of political disabilities imposed by the fourteenth amendment pass this House unchallenged and unquestioned? Do you forget that we have welcomed back to places of profit and power the very men who were chiefest among the conspirators? Nay, more, do you forget that in the next Congress which assembles in this capital city there are to be more leaders of the confederate than of the Union forces sitting in this Hall? And yet, sir, in the face of all these facts, you persist in your denunciation of that power to which you are indebted for the greatest blessings of life.

And now, sir, how has this leuceny on the part of the General Government been received? The gentleman from Kentucky tells us that the people of the South have accepted the situation in good faith, and there is no obstacle in the way of national peace except such as interposed by the National Government. How, sir, have you accepted the situation? It is true you have disbanded your armies, but only to organize the Ku-Klux and White Leagues, oath-bound to secret murder. You have abandoned your warfare against an armed nation only to strike down unseen defenseless citizens. You have accepted the abolition of slavery and the liberty of the black race only to attempt his enslavement by a system of vagrant laws which, if executed, would consign that people to a servitude no less terrible than slavery itself. You have accepted the citizenship of the black man only to declare that "this is a white man's government." You recognize his right to the ballot only to make the use of it by him so perilous as to endanger his life and property. You have sheathed the bloody sword of open revolt only to draw the bloodier dagger of the assassin. You have quenched the leaping fires of revolution only to light the more desolating torch of the incendiary.

Such has been your "acceptance of the situation" and such the condition of affairs in the Southern States. And now what more do you ask? You stand here and demand that every Federal soldier shall be withdrawn from the borders of the Southern States; that every carpet-bagger shall abandon his new home in the South and every scalawag be driven from your States. Pardon the use of these terms; they are the coinage of a repentant and reconstructed South. For one I stand here as a republican to protest against the acceptance of peace upon any such conditions, feeling that the nation cannot so dishonor itself.

What offense has this Federal soldiery committed? They are conservators of the peace; they are not Ku-Klux or white-leaguers; they drive out no citizens from the States; they whip no school-teachers; they kidnap no legislators; they demolish no school-houses; they burn no churches; they have done no murder. And so long as used to protect the most sacred rights of American citizenship I shall not deplore its existence. The Federal Army is objectionable to the South because it disturbs massacres, interferes with riots,

prevents revolutions, disperses mobs, intimidates white-leaguers, guards churches and school-houses, and fills with wholesome fear the men who plot against the peace of the State and the life and property of the citizen. A soldiery thus used is offensive only to men who are plotting treason.

And who are these scalawags whose presence cannot be endured? They are the men who have renounced their adherence to the lost cause and have sworn a fresh allegiance to the country and the flag. In that renewed fidelity I demand for them the amplest protection. But it is demanded of us that all carpet-baggers shall abandon the Southern States. Who are these carpet-baggers? They are the men who fought the country's battles and saved the nation's life, and when the war was over made their homes in the Southern States. If there are those from the North who have settled among you solely for the purpose of eating out your substance and plundering the people, they deserve the execration of all good men and shall receive no defense from me. But those carpet-baggers who when the war was over settled in the South in good faith as their future home must be protected in life and property. They are the men who took up your dishonored flag on yonder heights and carried it to victory; they are your brothers and sons who bore it in triumph from Cairo to the Gulf, and brought it back floating over a nation protected and a Republic saved; they are the men who waded through that hell of fire at the Wilderness, and planted it in triumph over the field of Appomattox. And I say for one, sir, that, come what may, though it take the strong arm of the Federal Government, they shall be protected in all the rights of American citizenship wherever that flag of my country floats.

One word more and I am done. If you will pardon me, I say it in all kindness, men of the South, there is a road to peace. I tell you, too, there is but one road. In it lies a peaceful solution of all our difficulties. Whether you pursue it is a matter of your own free choice. It is a highway on which if you will but walk you will find speedy and enduring peace and unexampled prosperity. Men of all parties even my colleague [Mr. WILLARD] can walk on it, for it is obstructed by no constitutional doubts, but is paved by the Federal compact. May I point you to it? Behold it here.

Strip the hideous masks from your outlawed Ku-Klux; disband your White Leagues; visit swift and condign punishment upon your unarrested and untried felons, and enforce State and Federal law with a firm hand. Give to human life some security and to property protection; recognize the equality of all men before the law, and their right to its fullest guardianship; put out the fires of your burning churches and school-houses; make the freedom of the ballot so secure that there shall be no intimidation; let free speech be recognized; let ostracism be unknown; renew your allegiance to the Government; extend a generous welcome to northern labor and northern capital; abandon all hope of the lost cause. In a word, "accept the situation" in good faith and in the highest sense, and you will have a peace universal. Do this, and your barren fields will stir with a new life; your desolate cities will echo with the hum of returning industry; your spacious harbors will choke with the tide of commerce. Do this, and the whole South will spring from her baptism of blood into the fullness of a new life, redeemed and regenerated forever. All hail that auspicious day!

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

The message also announced that the Senate further insisted upon its amendments to the bill (H. R. No. 3818) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to other amendments of the Senate, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SARGENT, Mr. EDMUNDS, and Mr. STEVENSON to be the conferees on the part of the Senate.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I rise to a privileged question. I submit the report of the committee of conference, which I send to the Clerk's desk.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 3818, an act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes, having met, after full and free conference, report that the said committee have been unable to agree.

JAMES A. GARFIELD,  
STEVENSON ARCHER,  
HENRY H. STARKWEATHER,  
*Managers on the part of the House.*

LOT M. MORRILL,  
AARON A. SARGENT,  
HENRY G. DAVIS,  
*Managers on the part of the Senate.*

Mr. DAWES. I would like to inquire of the gentleman from Ohio what was the point on which the conferees on the part of the two Houses were unable to agree?

Mr. GARFIELD. I regret to say, Mr. Speaker, that after five conferences covering a great many hours the conferees on the part of the two Houses have failed to agree upon this legislative, executive, and judicial appropriation bill. There were about ninety amendments involved in the difference between the two Houses. The conference committee agreed upon all of them except the single item relating to the clerks at our desk. The Senate committee withdrew the proposed increase of pay for their own officers and asked us to do the same. The committee on the part of the House felt themselves as far instructed as any committee of conference can well be on that subject and declined to assent to the arrangement, and on that point alone a disagreement has resulted. I submit this statement to the House for their understanding of the matter, and then the House can take such action as they deem best.

Mr. STARKWEATHER. I think the gentleman has omitted to state some matters of disagreement. There were other important amendments made to the bill by the Senate involving an increase of the appropriations by several hundred thousand dollars. It is true an effort was made to get to a result on all these amendments. It is also true that two members of our committee were not satisfied to agree to the large increase of appropriation made in other parts of the bill amounting to several hundred thousand dollars.

Mr. COBURN. I call for the regular order; I do not think this is right or in good taste.

Mr. GARFIELD. The question of taste is perhaps a matter of judgment with one member as well as another. I ask that the report of the committee of conference be adopted and that a new conference be ordered.

The SPEAKER *pro tempore*, (Mr. WHEELER.) This is a privileged question.

Mr. ARCHER. I wish to say that so far as the House committee was concerned we readily acceded to the amendment of the Senate so far as it went to the increase of the compensation of their officers. But when the question of the compensation of our officers came up the Senate flatly refused to recede from their amendments reducing the pay of our officers.

The question was taken on discharging the committee of conference and asking for the appointment of a new committee; and it was agreed to.

Mr. GARFIELD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER subsequently announced the appointment of Mr. GARFIELD, Mr. PARKER of Missouri, and Mr. SPEER as the committee of conference on the part of the House.

#### SECURITY OF ELECTIONS, ETC.

The House resumed the consideration of the bill providing for the security of elections, &c.

Mr. WHITE. Mr. Speaker, the Government of the United States is a government of limited powers, but within the limits of its jurisdiction its grants are ample and its power supreme. The occasion and the manner of the exercise of these powers rest alone in the discretion of the department of the Government in which it is vested by the Constitution. An express grant carries with it the implied power to do whatever is necessary to effectuate the purposes of the grant. In interpreting a constitutional provision when the language is plain and unambiguous, construction can neither enlarge nor diminish its import.

Section 4, article 4 of the Federal Constitution makes it the duty of the United States to guarantee to each State a republican form of government. Guarantee means "to undertake to secure to another at all events." The United States is then bound to secure to each State a republican form of government at all events. This is the first and leading, and controlling idea of this section, and is limited by the specific cases enumerated in the subsequent clauses of the section. The duty of guaranteeing to each State a republican form of government is imposed upon the United States, and with it is necessarily implied the power to use whatever means Congress may think necessary to accomplish that object. From whatever source danger may be apprehended, Congress may provide against it and against every form of danger to its republican form of government. Congress may protect it were it otherwise.

If it be held that Congress can intervene against domestic violence when aimed at the republican form of government in a State only when applied to by its Legislature or its executive, then it might be that from the unwillingness of these, or their omission to make the application to the United States, the people of the State would be unprotected in their republican form of government, or in a war of factions in a State the republican form of government might be overturned and a different form of government established. This principle would in a very possible contingency work out the destruction of State governments republican in form, and in time work the destruction of the Government of the United States as well.

The Government of the United States was framed upon a very careful review and consideration of the history and forms of all popular governments which had preceded it, and it is not conceivable that the framers of the Constitution could have overlooked the destroyer of them all—not foreign war, but intestine strife; not enemies from without, but enemies from within. This guarantee of a repub-

lican form of government to each State was not only a protection to the people of the State, but was also a security to the people of all the States and of the United States. It was a guarantee of our free institutions and republican form of government. If this be true, then it is clear that Congress has the power to protect by punitive laws the republican form of government in the States from the two forms of violence to which the disturbed condition in the South has shown them to be liable, invasion from other States and violence and force within their own limits, which are provided for in the first and second sections of the bill.

An objection has been made to the second section that it constitutes treason against the State, and that it gives to the Federal courts exclusive jurisdiction. Treason is levying war against the State, or adhering to its enemies, giving them aid and comfort. This is a statutory offense enacted by the act itself, defined by it, and upon its face different from treason, having a wider scope, and providing for the punishment of grave offenses which would not constitute treason, and for the suppression of serious evils which cannot be reached by the laws against treason.

The fourth section of the bill is objected to because it is said that this is a punishment proposed by an act of Congress for the violation of a State law. This is an entire misconception of the idea upon which the section is based. Its provisions relate to elections of Representatives to Congress, and is intended to secure the fair exercise to the people of a right conferred by the Constitution of the United States. Section 2, article 1, makes qualified electors for the most numerous branch of the State Legislature electors for choosing Representatives to Congress. This section only proposes to enforce good faith in the State officers in States where registration is made a prerequisite for voting, and to secure those entitled by the Constitution of the United States to vote for Representatives in Congress protection in the exercise of that right against the negligent or fraudulent conduct of State officers whose duty it is to afford them opportunities to register as required by law.

The bill has been characterized by its opponents as the "force bill," and has been the object of much bitter denunciation. It is stigmatized as a party measure, conceived in the interests of the republican party, and proposed to be enacted for the maintenance of its ascendancy. That these charges are untrue will be evident to the candid and intelligent mind upon reading the bill. The offenses enumerated in the bill all good men will condemn, and every citizen who respects law and order will approve of their suppression. To invade a State for the purpose of violating its laws or overthrowing its government; to conspire to usurp a State government or to seize it by force; to intimidate voters at elections by the use of fire-arms; to destroy ballots or ballot-boxes, are all of them offenses, both moral and political, which any one will admit should be forbidden and repressed.

The provisions compelling registrars to do their duty in allowing voters to register and the appointment of deputy marshals and supervisors in elections of Representatives to Congress are right in themselves, and if not necessary, are certainly not of a character to call down such heavy condemnation as has been heaped upon this bill. The reasons for the opposition to this bill are deeper than is expressed and different from what appears upon the surface.

The need of these enactments has developed itself in the commotions in the South which resulted from the war and the desperate struggles of the democratic party South to overturn practically the reconstruction acts of Congress and the amendments to the Constitution which establish the civil and political equality of all men and to reinstate themselves in power in all of the Southern States. This they could not do by a fair election, because in many of these States, embracing all of the cotton States, the majority of voters were opposed to the democratic party, and if allowed to vote the democrats would be defeated. This made it necessary to resort to fraud and force to prevent the colored people, who are nearly all of them republicans, from voting, and to prevent their votes from being counted when they were cast.

Two of the most effectual modes of accomplishing this are fire-arms or other deadly weapons and the destruction of ballots and ballot-boxes. The democrats arm themselves with ease and conspire readily, and on the day of election, at precincts where there are large numbers of colored and but few white republicans, get up some difficulty between white and colored men, which is the pretense and the signal for a general attack by the whites with fire-arms, killing some, wounding more, and driving the remainder from the polls. This has been done and repeated so often that instances of it need not be named. It is a part of a systematic and extended plan of operations practiced with relentless cruelty and with proportionate success in the interest of the democratic party in the South.

Another mode is to destroy or make way with the ballots and ballot-boxes at precincts where there are large republican majorities, and by this means secure the return of democratic candidates contrary to law and the will of the people.

At Springhill, in Barbour County, Alabama, in the fall elections of 1874, to get possession of the ballot-box which contained a large majority of republican votes, the democrats, after extinguishing the lights—it being just after dark—attacked the United States supervisor, Judge Keils, fired a great many shots at him, they being in the same room with him, killed his son, a youth of seventeen, at his side,



then took the ballot-boxes and destroyed them, and the democracy then claimed, the evidence of the vote at that precinct being destroyed and consequently not counted, that they had carried the county.

In Wilcox County, Alabama, upon an election for judge of the court of quarter sessions in 1871, a republican and democrat were candidates; the republican a high-toned gentleman, a good lawyer, and well qualified; the democrat a nominal lawyer, and very indifferently qualified. The county was republican by two thousand majority, and it was known that the republican candidate was elected, but the result had not been declared. By the laws of Alabama the boxes containing the ballots are sent from the several precincts to the judge of probate at the county seat, and are then counted out

and the election declared. Five of these ballot-boxes were stolen from the judge of probate's office, after being returned, on the night before the day for counting out, and the consequence was the votes in them were lost and the democrat was declared elected.

I could mention many others, but these examples are enough to show the necessity of the provision in the bill with regard to ballot-boxes. The propriety as well as necessity of the section providing for United States supervisors, who shall supervise the election and canvass and declare the vote, is forcibly illustrated in the late election for members to Congress in Alabama, in the following table, which I present and shall embody in my remarks as printed in the RECORD:

*List of votes by counties at election in Alabama November, 1874, for Congressman at large.*

Counties.	Vote of 1872.		Reserve, 1872.		Vote of 1874.		Increase.		Excess.	
	Democrat.	Republican.	Democrat.	Republican.	Democrat.	Republican.	Democrat.	Republican.	Democrat.	Republican.
Autauga	674	1,600	24	50	777	1,647	103	47	79	
Baker	472	221	78	300						
Baldwin	573	690	41	150	949	818	376	128	335	
Barbour	2,340	2,762	61	600	2,774	2,667	434		373	
Bibb	810	418	52	200	1,341	451	511	33	479	
Blount	575	271	600	339	1,725	247	1,150		550	
Bullock	1,265	3,101	124	800	1,583	2,500	318		194	
Butler	1,512	1,100	59	250	2,191	1,468	679	368	620	118
Calhoun	1,819	397	200	294	2,391	476	572	79	372	
Chambers	1,812	1,317	15	150	2,185	1,540	373	223	358	73
Cherokee	1,260	221	400	192	2,665	278	1,405	57	1,005	
Choctaw	1,177	644	96	600	1,420	986	243	342	147	
Clarke	1,463	1,093	39	300	1,398	1,286		193		
Clay	947	398	200	115	1,216	307	269		69	
Cleburne	544	412	300	145	972	216	428		128	
Coffee	760	103	181	47	1,383	83	623		442	
Colbert	1,049	814	400	253	1,515	992	466	178	66	
Conecuh	928	953			1,813	1,304	885	351	885	351
Coosa	1,034	894	100	71	1,316	948	282	54	182	
Covington	627	70	140	30	1,067	61	440		300	
Crenshaw	1,066	309	500	134	1,610	382	544	73	44	
Dale	1,012	374	400	143	1,744	354	732		332	
Dallas	1,984	7,065	42	170	1,850	6,825				
De Kalb	576	586	100	89	1,031	623	455	37	355	
Elmore	1,351	1,451	46	170	1,559	1,480	208	29	162	
Escambia	602	216								
Etowah	745	235	641	250						
Fayette	529	534	300	118	892	308	363		63	
Franklin	488	413	288	200	811	321	323		35	
Geneva	262	49	100	46						
Greene	1,231	2,508	54	150	865	3,137		629	479	
Hale	816	3,658	31	400	1,182	3,491	366		335	
Henry	1,912	396	43	200	2,022	736	110	340	67	140
Jackson	1,682	681	800	463	2,811	755	1,129	74	329	
Jefferson	1,245	1,024	5	20	2,203	836	958		953	
Lauderdale	1,358	921	200	446	1,923	1,152	565	231	365	
Lawrence	1,224	1,499	200	351	1,781	1,581	557	82	357	
Lee	2,251	2,356			3,812	1,122	1,561		1,561	
Limestone	849	892	616	800	1,737	1,505	888	613	272	
Lowndes	932	3,958	100	560	1,196	4,149	264	191	164	
Macon	968	2,068	147	500	1,224	2,075	256	7	109	
Madison	2,471	3,022	500	463	3,485	3,292	1,014	270	514	
Marengo	1,707	1,608	89	2,400	1,806	3,432	99	1,824	10	
Marion	272	275	300	234	1,252	144	980		680	
Marshall	623	293	521	250	1,308	228	655		134	
Mobile	6,576	5,938			6,498	4,759				
Monroe	1,448	482	68	800	1,320	985		503		
Montgomery	3,025	7,096	21	20	3,293	6,182	268		247	
Morgan	1,013	1,015	240	172	1,630	1,081	617	66	377	
Perry	1,400	4,141			1,426	3,833	26			
Pickens	1,510	441	98	1,300	1,937	1,175	427	734	329	
Pike	1,905	553	365	400	2,377	727	472	174	107	
Randolph	915	968	83	100	1,299	987	384	19	301	
Russell	1,717	2,513	42	300	1,963	2,625	246	112	204	
Sanford	631	261	400	266	671	219	40			
Shelby	1,112	893	200	154	1,785	993	673	100	473	
Saint Clair	814	489	198	300	1,138	583	324	94	126	
Sumter	1,733	2,449	14	900	1,690	3,304		855		
Talladega	1,556	1,935			1,876	2,134	310	199	310	199
Tallapoosa	2,142	716	71	100	2,962	914	890	198	749	98
Tuscaloosa	1,715	1,350	700	435	2,191	1,577	476	227		
Walker	441	446	171	100	811	480	370	34	199	
Washington	495	79	23	150	579	65	84		61	
Wilcox	1,299	3,956	75	650	1,510	3,632	211		136	
Winston	117	416	100	88	268	386	169		69	
	51,371	89,867	12,062	19,678	106,009	92,844	27,521	9,768	17,113	1,458

\* In this county a box containing some thirteen or fourteen hundred republican votes was thrown out by the county supervisors and not returned to the secretary of state, and is therefore not included in the table.

The two columns on the left show the vote in the State in the general election in 1872, in each county. The next two columns show the reserve of each party, based upon the census of 1870, which did not vote in 1872. The next two columns show the vote for Congressman at large in 1874. The next two columns show the increase of the vote of 1874 over the vote of 1872, and the next two columns show the excess of voters in each county over and above the vote of 1872, and the reserve added to it, which would embrace the entire vote in the county.

There is no immigration into Alabama; on the contrary, there is a large emigration from it annually. Democratic policy there is driving out people instead of bringing population into the State. It is stifling all enterprise, suppressing all industries, shrinking all values, and everything wilts under its baneful influence. The exodus from the State more than equals the number who had arrived at the voting age in the two years from 1872 to 1874. So that it is fair to estimate the number of voters as about the same. Were this not true, the increase in particular localities, where the democrats had the control of

the ballots and poll-lists, is so large as to preclude any hypothesis, but that the increase was the result of fraudulent voting, while the increase in nearly all of the white counties is such as to demonstrate that it was the result of a widely extended and deliberately concerted plan to carry the election by fraud.

I mention a few counties to illustrate the fraud by which the State was counted for the democracy when it in fact voted for the republican ticket by several thousand majority. In the county of Blount the excess of the democratic vote over their entire vote in 1872 was 550, and this in a county which has only 1,800 votes in all. In Cherokee County, which has an aggregate vote of about 2,000, the increase of the democratic vote in 1874 over the entire democratic vote in 1872, including its reserve vote, was 1,005. In Coffee County, which has a voting population of only 1,081, the democratic vote in 1874 was 1,333. Three hundred over the entire vote in the county, and an increase of 442 votes over the entire democratic vote, including the reserve, in 1872. In the county of Jefferson the aggregate vote of the county is 2,269, and the excess of the democratic vote in 1874 over the entire democratic vote in 1872, including its reserve, was 953. In the county of Lee, in which the aggregate vote is 4,607, the excess of the democratic vote in 1874 over their entire vote, including their reserve, in 1872, is 1,561. In the county of Lee there was a box containing some thirteen or fourteen hundred republican votes, at Opelika, which was thrown out by the supervisors under the pretense that the box was illegal.

These votes do not appear in the table I have presented, which was furnished me by the secretary of state; and as they were not returned to him he could not estimate them in making out the vote. These added to the vote in the table, which was returned, make the republican vote in the county larger than it was in 1872, and show that the large excess of democratic votes did not come from republicans voting the democratic ticket. The counties I have named are counties in which the democracy had the control of the ballot-boxes, and they are sufficient to show the frauds by which the aggregate result was reached and the State carried for the democracy. The footing up of the entire vote shows that in the last election the democrats voted 17,113 votes more than they had in the State; in other words, that this party which arrogates to itself all the decency and all the intelligence, which boasts and swaggers over its chivalrous honor, manufactured over 17,000 votes to carry the election in Alabama.

In contrast with this, I wish to call attention to the fact that the excess of the republicans in the State was only fourteen hundred and fifty-eight, not more than the reasonable rate of increase in two years. The vote as declared by the returns to the secretary of state for the democrat who received the largest vote for Congress at large was 106,009; for the republican, 92,884. The difference was 13,125 votes. Take from this the 17,113 fraudulent votes which were counted for the democratic candidate, and the republican was elected by 3,988 votes. But to this should be added the votes cast at Opelika and at other places which were improperly thrown out by the supervisors, which show that the republican ticket in Alabama was elected by some six thousand majority, and that they were counted out by fraud.

These are the men and this the party who have impressed the easy credulity of the gentleman from Missouri [Mr. BUCKNER] with the belief that they are the innocents, who have been wronged and defrauded by those villainous radicals in Alabama. Who ever heard of radicals in Alabama lying in wait and shooting men on the highway or in their own houses in the night-time for exercising that first and highest privilege of a freeman to think and act in accordance with the dictates of his own conscience and guidance of his own judgment upon political subjects? I might go further, and defy him or the democracy in Alabama to show an instance in which the republican party, as a party, have been guilty of frauds in Alabama.

That gentleman tells the House that the election law of Alabama does not provide against frauds. I am confident that the gentleman has never read the election law of Alabama. If he had, he would never have made the assertion. The law does provide against fraud, and in a greater variety of forms I fully believe, than any election law of any other State in the Union. As chairman of the judiciary committee of the house of representatives of the General Assembly of Alabama I drew that election law—every paragraph, sentence, and syllable of it. There were upon my committee distinguished members of the democratic party of Alabama, one of them now a judge of the supreme court, another the speaker of the present democratic house of representatives, and another the present democratic secretary of state; and not an objection was made to the law, nor an amendment proposed in committee, nor was there an amendment proposed by any democrat in the house, and only one slight amendment in the senate, which was democratic at the time. The only amendments proposed were by republicans, and these after some discussion were withdrawn, and the bill as it came from the committee, with the exception of the one amendment in the senate and another not of much importance proposed by myself, was passed and became a law. So far from the democrats objecting to the law they were anxious to have it passed.

These facts, well known to men of both parties, I mention to show the groundless character of the charges made by the democracy South against the republicans, and the facility with which they impose upon

democratic members of congressional committees who are sent there to investigate the condition of affairs. If they make the gentleman believe that the election law for which all their representatives voted was a republican device gotten up to encourage and shelter frauds, it is not difficult to conclude that they would induce him to believe whatever else they wished. What surprises me is, that the honorable member did not read the law, which any of his democratic lawyer friends in Alabama could have furnished him, for himself. This, it occurs to me, would have been the best means of forming a reliable opinion on the subject. As it is, the gentleman (no doubt honestly) has made a mistake, and the injurious consequences of that mistake it is beyond his power to recall.

From these remarks of the gentleman from Missouri, which, no matter how much to be regretted, are perhaps only on the line which in these excited times must be expected from a political opponent, I turn to address myself with very different emotions to the gentleman from Connecticut, [Mr. HAWLEY,] a good republican and political friend. Such I know him to be from his past record and antecedents. But had I known nothing of his former history, and had come into this Hall while he was speaking this evening, I should have taken him to be a politician of the opposite stamp. Neither the sentiments nor the principles which he uttered or the spirit that breathed them are in consonance with republicanism, as I understand and feel it to be.

The republican party is not willing to go back upon its own work of reconstruction, upon the thirteenth, fourteenth, and fifteenth amendments to the Constitution, nor upon its own glorious record, cemented with blood, its proud achievements crowned with success, upon its honored living and its mighty dead, upon the great leading and fundamental principles of free popular governments, the civil and political equality of all men. Nor is it willing to say to the poor victims of injustice and wrong in this free land that this great Government of ours, of which we are and have been so justly proud, the production of the great and good men who framed it, lauded by historian and statesmen, poet and philosopher, moralist and divine, throughout the civilized world, that it cannot protect its own citizens upon its own soil; that it claims, under the penalties of treason, paramount allegiance of all, yet it cannot render the reciprocal protection which allegiance implies, and which alone can render that allegiance a possible thing.

This Government, says the gentleman from Connecticut, with apparent sadness and sincerity, is imperfect. Perhaps he is mistaken. I would commend him for his own comfort, if he will allow the suggestion, to deliberate longer before settling down into this mournful conclusion. He has studied the Constitution much; let him study more, especially let him study in the light of the issues that brought on the war, and his true heart and ingenuous mind will gather new inspiration and expand with higher convictions and stronger faith as he penetrates the fullness and depth of its all-sufficient provisions and wondrous adaptations.

The illusion of State rights which has been so fatal to our country, which is in this new land where with unprecedented opportunities for success, we are testing the great experiment of man's capacity for self-government, the evil genius, which perpetually is breeding the elements of that destruction to us which it has brought upon all other republics, which has involved us in one civil war, and saturated our land with blood shed in fratricidal strife, surviving the ravages which it inflicted, is now raising itself under the euphonious title of "home rule," in form more specious and dimensions more formidable than when it shook the nation to its center with the convulsions of war. This was what induced the southern democracy to accept the nomination and platform of the Greeley party in 1872. Under it they raised the same clamor against the General Government as a centralized despotism, which had been leveled by these advocates of State rights against it for forty years before the war. The same role is now being enacted as in 1860, and will produce like results. They traveled the road once; its end was lost in the then distant future, just as its end is now unseen; but having traveled the road once, should we not be satisfied with the bitter experience of the past, without again treading its perilous pathway?

The danger to our country is not in centralization, but in decentralization. The people are under our form of government the sources of all power; their rulers are but their servants. They will never give up their power until it is wrested from them, and no one man can take it from them. No power can take it from them except themselves. Faction and strife and wars of faction against faction are the agencies through which republics have fallen and despotism has arisen upon their ruins. Disintegration, not centralization, has destroyed all the confederacies of ancient and modern times which have passed away. All past experience warns us. The specters of republics and confederacies once great and glorious as ours is now, rise amid their ruins, and point us to the Nemesis of discord which struck down their greatness and extinguished their glory; and yet with an infatuation that would seem incredible had it not been so often repeated in the fatal round of human frailty, we are nursing the same demon of destruction whose remorseless fury has consumed all the free popular governments of the past.

It is by the peculiar advocates in our country of this dangerous doctrine of home rule and disintegration that we are told that it is dan-



gerous to liberty to give to the President the power to suspend the writ of *habeas corpus* in communities where lawlessness and violence reign; where the law is trampled under foot and crime, red with the blood of the helpless and defenseless, goes unpunished and unrebuked; where it is openly avowed that the laws and Constitution of the United States shall be made dead letters upon the statute-book, and that the freeing of the negro was a declaration of war between the Caucasian and the African, which must go on relentlessly until one or the other is exterminated.

In order that I may not be suspected of exaggeration upon these two points, I read extracts from democratic papers in Alabama in the late campaign, which I might multiply from other States, showing the precise issues which were presented to the people:

"There is no half-way ground; we must meet the issue fairly and squarely, and we must go either with the white man's party or the negro man's party."

The Birmingham News copied the above and commented as follows:

"This is emphatically our platform, and we have always stood firmly on it. \* \* \* The republican party assumes as a fundamental truth that the negro is capable of civilization, and that his ignorance and brutality were caused by the tyranny and misrule of the dominant race. We believe every word of this to be false. \* \* \* Emancipation threw the whites and blacks on their own resources, and each race must depend upon its own inherent strength. Freeing the slaves was a declaration of war between the Caucasian and African—a war that is going on now and that will go on silently, ruthlessly, and unceasingly until one or the other is exterminated. \* \* \* Let us recognize facts, admit that a war of races is progressing, and then every man will range himself under the banner of his kindred. For ourselves we say, no compromise, no 'unification,' but a white man's rule, a white man's civilization, and a white man's government, or ruin and extermination!"—*Eutaw Whip*.

The rights guaranteed by the State and Federal Constitutions do not frighten us in the least. We do not expect to repeal any of the recent enactments. They may stand forever; but we intend, by superior intelligence, stronger muscle, and greater energy to make them dead letters on the statute-book. We intend to beat the negro in the strife, the warfare, the unending battle for life, and defeat means but one thing—extermination!—*Birmingham News*.

This, then, instead of being a force bill, is a bill to maintain the supremacy of the laws and Constitution of the United States; to protect free suffrage and to give effect to the will of the majority of the people as declared by fairly-conducted elections; to suppress and to punish crimes and give peace and security to all the people of the Southern States. These will be its direct effects, and its indirect but no less certain results will be to extinguish the kindling fires of another attempt at rebellion or the ascendancy of that party from whose political dogmas sprang the purposes and practices of southern-rights politicians in 1860-'61—dogmas opposed to the theory upon which the war was waged by the republican party, and which constitute the new foundations upon which an extended Constitution rests as the results of the war.

We are in the midst of dangers which involve the existence of the Republic. The country has passed victoriously through the war, but it may be that the vessel which outrode the storm may founder in the reactionary swell of the commotions which have succeeded it. If the same devotion to your country's welfare inspires your minds as did the men of 1861, and the same nerve and decision mark your action, then all will be well; and under the guidance and control of the same party which preserved it from former perils, improved and purified by recent experiences, the Republic, rising above the dangers which threaten it, will start forth anew, quickened and invigorated, upon a great and glorious future.

Mr. COBURN. I yield the balance of my time—

The SPEAKER. The gentleman has no time remaining. His hour has been in fact about an hour and a quarter.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. No. 2093) for the relief of General Samuel W. Crawford, United States Army.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the resolution of the House to print the report of R. W. Raymond on mining statistics.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 4730) providing for the payment of certain employees of the House of Representatives.

The message also announced that the Senate had passed, without amendment, the following joint and concurrent resolutions:

Joint resolution (H. R. No. 161) to provide for the preservation of the manuscript returns of the first and ninth censuses; and

Resolution of the House for printing the report of the Smithsonian Institution for 1874.

The message also announced that the Senate had agreed to the following concurrent resolutions, with amendments, in which the concurrence of the House was requested:

Resolution of the House for printing the annual report of the geological and geographical survey of the Territories for 1874; and

Resolution of the House for printing Professor Hayden's annual report of the geological and geographical survey of the Territories for 1873.

#### SECURITY OF ELECTIONS, ETC.

The House resumed the consideration of the bill (H. R. No. 4745) to provide against the invasion of States, &c.

The SPEAKER. The time allowed for debate upon this bill has terminated. The first question is upon the amendment of the gentleman from Massachusetts, [Mr. BUTLER,] which will be read.

The Clerk read as follows:

In section 13, line 20, after the words "*habeas corpus*," insert "in such insurrectionary district or districts wherein the President deems such powerful and armed combinations to exist, within the limits of either of the following-named States: Louisiana, Arkansas, Mississippi, or Alabama."

Also a new section, add the following:

SEC. 14. The provisions of section 13 of this act shall continue to be in force for and during the term of two years, and from thence until the end of the next session of Congress thereafter, and no longer.

The question being taken on agreeing to the amendment, there were—ayes 91, noes 71.

Mr. BELL called for the yeas and nays.

The yeas and nays were ordered.

Mr. LYNCH. Is this question susceptible of division?

The SPEAKER. It is not.

The question was taken; and there were—yeas 164, nays 99, not voting 24; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barry, Bass, Begole, Bradley, Buffington, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick K. Butler, Cain, Cannon, Carpenter, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Dawes, Donnan, Dnell, Dunnell, Eames, Farwell, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Killinger, Lamport, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Monroe, Moore, Myers, Negley, O'Neill, Orr, Orth, Packard, Parker, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Ruess, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, Stowell, Straub, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper, D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—164.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cason, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Darrall, Davis, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Howe, Hutton, Hynes, Knapp, Lamar, Leach, Lofland, Luttrell, Lynch, Magee, Marshall, McKee, McLean, Milliken, Mills, Morey, Morrison, Neal, Niles, Nunn, O'Brien, Perry, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Senor, Sheldon, J. Ambler Smith, William A. Smith, Southard, Spear, Standford, St. John, Stone, Storm, Swann, Sypher, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—99.

NOT VOTING—Messrs. Barber, Barrere, Biery, Clements, Clinton L. Cobb, Dobbins, Eden, Freeman, Robert S. Hale, Hendee, Kendall, Lamison, Mitchell, Nesmith, Niblack, Hosea W. Parker, Pike, Potter, Pratt, Sloss, Small, Alexander H. Stephens, Strawbridge, and Charles R. Thomas—24.

So the amendment was agreed to.

During the vote,

Mr. COTTON stated that his colleague, Mr. LOUGHRIDGE, was unavoidably absent from the House.

Mr. PARKER, of New Hampshire, stated that he was paired with his colleague, Mr. PIKE, who would vote in the affirmative, while he himself would vote in the negative; also, that his colleague, Mr. SMALL, was paired with Mr. NIBLACK, and while Mr. SMALL if present would vote in the affirmative, Mr. NIBLACK would vote in the negative.

Mr. SLOAN stated that his colleague, Mr. FREEMAN, was detained from the House by sickness.

Mr. ALBRIGHT stated that his colleague, Mr. BIERY, was detained from the House by sickness, and if present would vote in the affirmative.

The vote was then announced as above recorded.

Mr. RANDALL. I move that the House take a recess until half past seven o'clock.

Mr. CESSNA. O, no; there is only one more vote.

The House divided; and there were—ayes 73, noes 98.

Mr. BECK demanded tellers.

Tellers were ordered.

Mr. CLEMENTS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 78, nays 171, not voting 38; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barnum, Bell, Berry, Biery, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Cook, Creamer, Crittenden, Crossland, Davis, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hutton, Knapp, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mitchell, Morrison, Neal, Nesmith, O'Brien, Perry, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, J. Ambler Smith, Southard, Spear, Standford, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—78.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Beck, Begole, Bradley, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick K. Butler, Cain, Cannon, Cason, Cessna, Chittenden, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke,

Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Eames, Field, Fort, Frye, Garfield, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Lampson, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheets, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—171.

NOT VOTING—Messrs. Archer, Barrere, Bland, Buffinton, Carpenter, Clinton L. Cobb, Comingo, Cox, DeWitt, Dobbins, Eden, Farwell, Foster, Freeman, Robert S. Hale, Hays, Hendee, E. Rockwood Hoar, Hynes, Kendall, Killinger, Lamar, Lamson, Lofland, Mills, Niblack, Hosea W. Parker, Pelham, Phelps, Pierce, Pike, Potter, Sheldon, Sloss, Small, Alexander H. Stephens, Strawbridge, and Charles R. Thomas—38.

So the House refused to take a recess.

Mr. BECK. I move to reconsider the vote by which the House refused to take a recess.

Mr. ALBRIGHT. I move to lay that motion on the table.

Mr. BECK. On that I demand the yeas and nays.

Mr. ALBRIGHT. I make the point of order that this is a dilatory motion.

The SPEAKER. What is the motion?

Mr. BECK. I move to reconsider the vote by which the House refused to take a recess.

The SPEAKER. That clearly would never be in order without regard to the new rule.

Mr. BECK. I move that the House adjourn.

Mr. BUTLER, of Massachusetts. I rise to a point of order. Does not the rule still continue?

The SPEAKER. What rule?

Mr. BUTLER, of Massachusetts. The rule in reference to dilatory motions.

The SPEAKER. Yes.

Mr. BUTLER, of Massachusetts. We have had one since this question has been pending, one motion to adjourn.

The SPEAKER. When?

Mr. BUTLER, of Massachusetts. Since the consideration of the bill.

The SPEAKER. When?

Mr. BUTLER, of Massachusetts. I have heard about twenty since that time.

The SPEAKER. If the gentleman's logic is good the House could never adjourn.

Mr. BUTLER, of Massachusetts. They can get out of session when they desire.

The SPEAKER. On what ground does the gentleman ask the Chair to rule out the motion to adjourn? There has been no motion to-day to adjourn.

Mr. BUTLER, of Massachusetts. If this is the only one, I have no objection.

The SPEAKER. There is no possible mode of excluding the motion.

Mr. BUTLER, of Massachusetts. It is clearly a dilatory motion.

Mr. STONE. I demand tellers.

Mr. GARFIELD. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER, of Massachusetts. Is it according to the rules of the House for members to pair off and absent themselves, leaving the House without a quorum?

The SPEAKER. The rules of the House know nothing about pairs; there is no recognition of them anywhere.

Mr. BUTLER, of Massachusetts. Is there any privilege in it?

The SPEAKER. None at all. No duty can be evaded by a pair.

Mr. BUTLER, of Massachusetts. Then I hope the republicans will not pair with the democrats, so as to leave us without a working majority.

The SPEAKER. It belongs to a personal and not to the parliamentary relations of members.

Mr. CESSNA. When will the House meet if the question is decided in the affirmative?

The SPEAKER. On Monday, at eleven o'clock.

The question was taken; and there were—yeas 75, nays 167, not voting 45; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, DeWitt, Durham, Eldredge, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Kasson, Kellogg, Knapp, Lamar, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Morrison, NeSmith, O'Brien, Perry, Potter, Read, Robbins, William R. Roberts, Milton Saylor, Schell, John G. Schumaker, William A. Smith, Southard, Spear, Standiford, Alexander H. Stephens, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—75.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Buffinton, Bundy, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements,

Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lansing, Lawrence, Lawson, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phelps, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheets, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—167.

NOT VOTING—Messrs. Atkins, Barrere, Biery, Burleigh, Chittenden, Freeman Clarke, Clinton L. Cobb, Davis, Dobbins, Donnan, Eden, Finck, Freeman, Giddings, Eugene Hale, Robert S. Hale, Hendee, Houghton, Kendall, Killinger, Lamson, Lampont, Loughridge, McCrary, Mills, Mitchell, Neal, Niblack, Hosea W. Parker, Pelham, Pike, Randall, James C. Robinson, Sheldon, Sloss, Small, J. Ambler Smith, Stone, Storm, Strawbridge, Charles R. Thomas, Whitthorne, Charles W. Willard, George Willard, and Wolfe—45.

So the House refused to adjourn.

During the call of the roll,

Mr. VANCE said: The gentleman from Pennsylvania, Mr. STORM, is paired with the gentleman from Iowa, Mr. DONNAN. If they were here Mr. STORM would vote "ay," and Mr. DONNAN would vote "no."

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*, (Mr. CESSNA.) The question recurs on the amendment proposed by the gentleman from Illinois, [Mr. CANNON] to strike out the thirteenth section as amended.

Mr. HEREFORD. I ask that the section, as amended, may be reported.

The section, as amended, was read.

The question being put, there were yeas 72.

Before the negative vote was counted,

Mr. BUTLER, of Massachusetts, called for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary inquiry.

Several MEMBERS. Regular order!

Mr. BUTLER, of Massachusetts. My inquiry is this: Is the question on striking out the thirteenth section as amended?

The SPEAKER *pro tempore*. It is. The Chair so announced it.

The question was taken; and there were—yeas 121, nays 130, not voting 36; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cotton, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Danford, Davis, Dawes, DeWitt, Durham, Eldredge, Farwell, Finck, Foster, Garfield, Giddings, Glover, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hunton, Kasson, Kellogg, Knapp, Lamar, Leach, Luttrell, Magee, Marshall, McCrary, James W. McDill, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Phelps, Phillips, Pierce, Poland, Potter, Read, Robbins, Ellis H. Roberts, William R. Roberts, Milton Saylor, Schell, John G. Schumaker, Henry J. Scudder, Sener, Lazarus D. Shoemaker, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Spear, Standiford, Alexander H. Stephens, Stone, Storm, Strait, Swann, Thornburgh, Vance, Waddell, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—121.

NAYS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Curtis, Darrall, Donnan, Duell, Dunnell, Eames, Field, Frye, Gooch, Hagans, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Lansing, Lawrence, Lawson, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, Alexander S. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, James H. Platt, jr., Thomas C. Platt, Pratt, Randall, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheets, Sherwood, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Charles A. Stevens, St. John, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thompson, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—130.

NOT VOTING—Messrs. Barrere, Biery, Chittenden, Freeman Clarke, Clinton L. Cobb, Dobbins, Eden, Fort, Freeman, Gunckel, Robert S. Hale, Havens, Hendee, Kendall, Killinger, Lamson, Lampont, Loughridge, Mitchell, Morey, Niblack, Hosea W. Parker, Pike, Rainey, James C. Robinson, Sheldon, Sloss, Small, Snyder, Sprague, Stanard, Starkweather, Strawbridge, Charles R. Thomas, William Williams, and Wolfe—36.

So the amendment was agreed to.

During the roll-call the following proceedings occurred:

Mr. CONGER. I think the question cannot be understood. I do hear responses from the other side of the House.

The SPEAKER *pro tempore*. The chair has several times announced that the question is on striking out the thirteenth section as amended.

Mr. TODD. I make the point of order that during the roll-call members have no right to be at the Clerk's desk.

The SPEAKER *pro tempore*, (Mr. CESSNA.) The Chair sustains the point of order.

Mr. BUTLER, of Massachusetts. I see no member at the Clerk's desk but the Speaker.



Some time subsequently,

Mr. BUCKNER said: I make the point of order that the gentleman from Massachusetts [Mr. BUTLER] who is now at the Clerk's desk has no right to be there during the roll-call.

Mr. BUTLER, of Massachusetts. I have as much right here at the Clerk's desk as the Speaker has.

The SPEAKER resumed the chair and said: On what ground does the gentleman say that?

Mr. BUTLER, of Massachusetts. On the ground that I am a member of the House and so is he when he is not in his seat.

The SPEAKER. The gentleman from Massachusetts has no right to interrupt the roll-call.

Mr. BUTLER, of Massachusetts. I have not interrupted anybody.

The SPEAKER. The Speaker has a perfect right to remain at the desk.

Mr. BUTLER, of Massachusetts. So have I the same right.

The SPEAKER. The Speaker has no assigned seat on the floor of the House; but if he chooses to leave the chair for recreation it is not for the gentleman from Massachusetts to tell him where he shall stand. The gentleman from Massachusetts has no right to violate the rules of the House in this way. The Chair now calls the gentleman from Pennsylvania [Mr. CESSNA] to the chair.

Mr. CESSNA here took the chair as Speaker *pro tempore*.

Mr. BUTLER, of Massachusetts. Pardon me; when the gentleman is out of his seat as Speaker he has no more right than I have to be at the Clerk's desk.

Mr. BLAINE, (the Speaker.) I have a right to stand where I choose, and the rule forbids you to stand at the Clerk's desk.

Mr. BUTLER, of Massachusetts. And forbids you.

Mr. BLAINE. It does no such thing.

Mr. BUTLER, of Massachusetts. I rise to a point of order.

Mr. ARCHER. I object to any interruption of the roll-call, and I make the point of order that it is not in order.

The SPEAKER *pro tempore*. The Chair reserves the point of order made by the gentleman from Massachusetts, [Mr. BUTLER,] if he insists on it, until after the roll-call is completed. The point of order made by the gentleman from Maryland [Mr. ARCHER] is sustained.

Mr. BUTLER, of Massachusetts. The Chair has just entertained two points of order while the roll-call was going on, and the Speaker has taken the Chair twice to interrupt the roll-call.

Mr. SPEER. I object to the interruption of the roll-call.

The SPEAKER *pro tempore*. The Chair will save the gentleman from Pennsylvania that trouble, and will not entertain anything about this personal matter.

Mr. BUTLER, of Massachusetts. I have nothing personal.

The SPEAKER *pro tempore*. The Chair appeals to gentlemen to be seated and preserve order.

The Clerk resumed the roll-call.

Mr. BUTLER, of Massachusetts, returned to the Clerk's desk.

Mr. STORM. I make the point of order against the gentleman from Massachusetts that he has no right to be at the Clerk's desk, because members on this side of the House have been called away from the Clerk's desk.

The SPEAKER *pro tempore*. The Chair is compelled to sustain the point of order.

Mr. BUTLER, of Massachusetts. The Chair has just entertained a point of order against me that I was at the Clerk's desk, although he refused to entertain my point of order against the Speaker.

The SPEAKER *pro tempore*. The Chair will rule that the Speaker of the House was not out of order, for the reason that he has no assigned place on the floor of the House.

Mr. BARRY. I want to know if we have two Speakers?

The SPEAKER *pro tempore*. The Chair will not entertain any further points of order during the roll-call.

Mr. PARKER, of New Hampshire. I desire to state that on this question I am paired with my colleague, Mr. PIKE; if present he would vote "no," while I would vote "ay."

I desire to state also that Mr. NIBLACK is paired with my colleague Mr. SMALL; if here Mr. NIBLACK would vote "no," and Mr. SMALL would vote "ay."

The result of the vote was then announced as above recorded.

Mr. RANDALL, (having voted "no" when his name was called.) I rise to a privileged question. I move to reconsider the vote by which the House refused to strike out the thirteenth section of the bill as amended.

Mr. COBURN. I move to lay that motion on the table.

Mr. SPEER. Upon that question I call for the yeas and nays.

Mr. PAGE. Is not that a dilatory motion?

Mr. HYNES. Can the vote just taken be reconsidered after the previous question has been ordered and before it is exhausted?

The SPEAKER, (having resumed the chair.) The previous question will be exhausted only on the engrossment and third reading of the bill.

Mr. HYNES. Just so.

The SPEAKER. Then would the gentleman propose to reconsider an amendment to the bill?

Mr. HYNES. No.

The SPEAKER. Then you could not reconsider it at all.

Mr. HYNES. I submit the point of order for the Chair to rule upon, and will submit to his decision.

The SPEAKER. There is no point to rule on at all.

The question was taken on the motion of Mr. COBURN; and there were—yeas 133, nays 111, not voting 43; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crutchfield, Curtis, Darrall, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Lansing, Lawrence, Lawson, Lewis, Lofland, Lowe, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Pratt, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, John G. Schumaker, Scofield, Sessions, Shanks, Sheldon, Sherwood, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Sprague, Charles A. Stevens, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Walron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, James Wilson, Jeremiah M. Wilson, and Woolworth—133.

NAYS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Burchard, Burleigh, Caldwell, Caulfield, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cook, Cotton, Cox, Creamer, Crittenden, Crossland, Crounse, Danford, Davis, Dawes, DeWitt, Durham, Eldredge, Finck, Foster, Giddings, Glover, Gunter, Eugene Hale, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hutton, Kasson, Kellogg, Killinger, Knapp, Lamar, Leach, Luttrell, Magee, Marshall, McCrary, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Phillips, Pierce, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Saylor, Henry J. Scudder, Sencr, Lazarus D. Shoemaker, J. Ambler Smith, Southard, Speer, Standiford, Stone, Storm, Strait, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—111.

NOT VOTING—Messrs. Barrere, Biery, Chittenden, Clinton L. Cobb, Dobbins, Eden, Freeman, Garfield, Robert S. Hale, Hancock, Havens, Gerry W. Hazelton, Hendee, Kelley, Kendall, Lamison, Lamport, Longbridge, Lowndes, Mitchell, Niblack, Orr, Hosea W. Parker, Pendleton, Phelps, Pike, Poland, Rainey, Schell, Isaac W. Scudder, Sloss, Small, John Q. Smith, William A. Smith, Snyder, Standard, Starkweather, Alexander H. Stephens, St. John, Strawbridge, Charles R. Thomas, Wheeler, and William Williams—43.

So the motion to reconsider was laid on the table.

During the roll-call the following proceedings took place:

Mr. WILSON, of Indiana. I ask to have read the rule on page 234 of the Manual, so as to avoid any further controversy about this matter hereafter in regard to persons standing at the Clerk's desk.

A MEMBER. Is it in order to interrupt the roll-call?

The SPEAKER. The rule will be read, as it relates directly to the roll-call.

The Clerk read as follows:

In taking the yeas and nays on any question, the names of the members shall be called alphabetically. And while they are being taken, no member or other person shall visit or remain by the Clerk's table.

Mr. BUTLER, of Massachusetts. "Or other person;" he is the fellow I was after.

Mr. BLOUNT. On this question my colleague, Mr. YOUNG, is paired with Mr. LOFLAND. If present my colleague would vote "no," and Mr. LOFLAND "ay."

Mr. ST. JOHN. I am paired on this question with my colleague, Mr. SCHELL. If present he would vote "no," and I would vote "ay."

Mr. LANSING. My colleague, Mr. LAMPORT, has been compelled to leave the House on account of sickness. If present he would vote "ay" on this question.

Mr. CLEMENTS. My colleague, Mr. BARRERE, has been detained from the House during the day by illness. If here he would vote "ay."

Mr. PARKER, of New Hampshire. I am paired with my colleague, Mr. PIKE. If present he would vote "ay," and I would vote "no." My colleague, Mr. SMALL, is paired with Mr. NIBLACK. If present Mr. SMALL would vote "ay," and Mr. NIBLACK "no."

The SPEAKER. The question is upon the amendment offered by the gentleman from Massachusetts [Mr. E. R. HOAR] to strike out the first, second, and fourth sections of the bill.

Mr. RANDALL. I move that when the House adjourns to-day it be to meet on Tuesday next.

Mr. STONE. That is right.

Mr. SHANKS. Let us adjourn until Monday, and not go over so far. Let us have Sunday to go to church, and then we can come here on Monday and attend to business.

Mr. MAYNARD. Does the Chair hold that such a motion can be made, it being manifestly a dilatory motion?

The SPEAKER. The rule says that pending any question the Speaker can entertain only two dilatory motions. The question pending is on the motion of the gentleman from Massachusetts, [Mr. E. R. HOAR.] The Chair is not allowed to rule out a motion even if in his judgment it be dilatory, because the rule permits two dilatory motions to be made.

Mr. FIELD. I am only sorry that we allowed so many amendments to be offered to the bill.

Mr. STONE. I call for the yeas and nays on the motion to adjourn until Monday.

The yeas and nays were ordered.

Mr. RANDALL. Pending that, I move that the House do now adjourn.

The SPEAKER. The motion to fix the day to which the House will adjourn takes precedence of the motion to adjourn.

The question was taken; and there were—yeas 63, nays 148, not voting 76; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, Jr., Clymer, Cook, Crittenden, Crossland, Davis, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Lamar, Leach, Magee, Marshall, McLean, Milliken, Mills, Neal, Nesmith, O'Brien, Perry, Randall, Read, Robbins, William R. Roberts, Milton Saylor, William A. Smith, Stone, Storm, Swann, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, and John D. Young—63.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Begole, Bradley, Bundy, Burleigh, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, Jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crounse, Crutchfield, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Killinger, Lansing, Lawrence, Lawson, Lewis, Loughbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Parsons, Pelham, Pendleton, Phillips, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheets, Lazarus D. Shoemaker, Sloan, Smart, George L. Smith, H. Boardman Smith, John Q. Smith, Speer, Sprague, Charles A. Stevens, Stowell, Straith, Sypher, Taylor, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—148.

NOT VOTING—Messrs. Barnum, Barrere, Bass, Berry, Biery, Blundin, Buffinton, Burchard, Burrows, Benjamin F. Butler, Roderick E. Butler, Caulfield, Chittenden, Clinton L. Cobb, Comingo, Cotton, Cox, Creamer, Curtis, Dobbins, Eden, Eldredge, Farwell, Freeman, Frye, Eugene Hale, Robert S. Hale, Hamilton, Havens, Hendee, Holman, Howe, Kelley, Kellogg, Kendall, Knapp, Lamson, Lamport, Lofland, Luttrell, Mitchell, Morrison, Niblack, Page, Hosea W. Parker, Isaac C. Parker, Phelps, Pierce, Pike, Potter, Rainey, James C. Robinson, Schell, John G. Schumaker, Sessions, Sheldon, Sloss, Small, A. Herr Smith, J. Ambler Smith, Snyder, Southard, Stanard, Standiford, Starkweather, Alexander H. Stephens, St. John, Strawbridge, Charles R. Thomas, Christopher Y. Thomas, Thompson, Thornburgh, Wells, Ephraim K. Wilson, Woodworth, and Pierce M. B. Young—76.

So the motion of Mr. RANDALL was not agreed to.

During the call of the roll the following announcements were made:

Mr. BLAND. I am paired with my colleague, Mr. HAVENS; if here he would vote "no," and I would vote "ay."

Mr. PARKER, of New Hampshire. I am paired with my colleague, Mr. PIKE, and Mr. NIBLACK is paired with my colleague, Mr. SMALL; if present my colleagues would vote in the negative, and Mr. NIBLACK and I would vote in the affirmative.

Mr. BLOUNT. My colleague, Mr. YOUNG, is paired with Mr. LOFLAND; if present Mr. LOFLAND would vote "no," and Mr. YOUNG "ay."

Mr. SPEER. Have the yeas and nays been ordered on the motion to adjourn?

The SPEAKER. They have not, for that motion is not pending.

Mr. SPEER. I understood it was pending. (At seven o'clock and forty-five minutes p. m.) I move that the House now adjourn, and on that motion I call for the yeas and nays.

Mr. KASSON. I desire to make a parliamentary inquiry or suggestion for the purpose of facilitating business. It rests upon the fact that there are, as stated by different gentlemen, enough motions to be made and decided to take from six to ten hours before we arrive at a result on the bill, and that will carry us over until to-morrow morning. My inquiry is whether an agreement to take the vote on the bill immediately after the reading of the Journal on Monday will be satisfactory to both sides of the House? I ask the gentleman from Indiana in charge of the bill [Mr. COBURN] to say what he thinks of the proposition? I submitted it to him a few moments ago, and he left me, as I understood, with the view of inquiring of some of his associates about it.

Mr. COBURN. I have not had an opportunity to consult with anybody in reference to the matter.

Mr. KASSON. I hope the gentleman will do so while the vote is being taken on the motion to adjourn.

Mr. WARD, of Illinois. I call for the regular order.

The SPEAKER. The regular order is the motion to adjourn, on which the yeas and nays have been called for.

The yeas and nays were ordered.

The yeas and nays were taken; and there were—yeas 74, nays 153, not voting 60; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Caulfield, John B. Clark, Jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Lamar, Leach, Magee, Marshall, Milliken, Mills, Morrison, Neal, O'Brien, Perry, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, William A. Smith, Southard, Speer, Standiford, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, Wood, and John D. Young—74.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burleigh, Burrows, Roderick E. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Chittenden, Amos Clark, Jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crounse, Crutchfield, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens,

John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Lansing, Lawrence, Lawson, Lewis, Loughbridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, James H. Platt, Jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheets, Sherwood, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Charles A. Stevens, Straith, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—153.

NOT VOTING—Messrs. Barrere, Berry, Biery, Buffinton, Burchard, Benjamin F. Butler, Freeman Clarke, Clinton L. Cobb, Robert S. Hale, Hendee, Holman, Hoskins, Kellogg, Kendall, Killinger, Lamson, Lamport, Lofland, Luttrell, McLean, Mitchell, Nesmith, Niblack, Niles, Nunn, Page, Hosea W. Parker, Phelps, Phillips, Pike, Potter, Henry B. Saylor, Schell, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, Small, George L. Smith, J. Ambler Smith, Snyder, Starkweather, Alexander H. Stephens, St. John, Stone, Stowell, Strawbridge, Charles R. Thomas, Charles W. Willard, Ephraim K. Wilson, Woodworth, and Pierce M. B. Young—60.

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. PARKER, of New Hampshire. On this question I am paired with the gentleman from New Hampshire, Mr. PIKE; and the gentleman from Indiana, Mr. NIBLACK, is paired with the gentleman from New Hampshire, Mr. SMALL. On this question Mr. NIBLACK and I would vote in the affirmative, while Mr. PIKE and Mr. SMALL would vote in the negative.

Mr. CLEMENTS. My colleague, Mr. BARRERE, is paired with the gentleman from Missouri, Mr. STONE. If they were here, Mr. STONE would vote "ay," and Mr. BARRERE would vote "no."

Mr. WHEELER. The gentleman from Kansas, Mr. PHILLIPS, left the Hall in consequence of illness. He desired me to make this announcement.

The result of the vote was announced as above stated.

#### ARKANSAS ELECTION CONTEST.

Mr. CROSSLAND, by unanimous consent, presented the views of the minority of the Committee on Elections upon the contested election of Gause vs. Hodges, from the first congressional district of Arkansas; which were ordered to be printed.

#### ENROLLED BILL SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 796) to protect all citizens in their civil and political rights.

#### SECURITY OF ELECTIONS, ETC.

The House resumed the consideration of the bill (H. R. No. 4745) to provide against the invasion of States, &c.

The SPEAKER. The question recurs upon the amendment of the gentleman from Massachusetts [Mr. E. R. HOAR] to strike out sections 1, 2, and 4.

Mr. RANDALL. I ask that the sections proposed to be struck out be read.

The sections were read, as follows:

That if two or more persons, within the jurisdiction of the United States, shall invade any of the States of this Union for the purpose of forcibly overthrowing the existing government of said State, or any constituted authority of the same, or for the purpose of interfering in any forcible or unlawful manner with the due execution of the laws of said State or of the United States; or if two or more persons, within the jurisdiction of the United States, shall conspire with any other person or persons for any of the unlawful purposes hereinbefore recited, with intent to commit the same, each person so offending shall be deemed guilty of felony, and, on conviction thereof, shall be punished by fine not exceeding \$10,000 and by imprisonment and confinement at hard labor for a term not exceeding ten years, at the discretion of the court trying the same.

SEC. 2. That if two or more persons shall conspire together to overthrow by force or to usurp by violence the State government of any of the States of this Union, or any department thereof; or if any two or more persons shall, in fact, by force and violence attempt to subvert or usurp such State government, or any department thereof; or if any two or more persons shall, by like force and violence, actually overthrow the existing government of any State, or any department thereof, each person so offending shall be deemed guilty of a crime and, on conviction thereof, shall be fined not less than \$500 nor more than \$5,000, and shall be imprisoned not less than one year and not more than twenty years, at the discretion of the court trying the same.

SEC. 4. That in case the registration officers appointed under the laws of any State or Territory, where, by the laws of said State or Territory, registration is required as a condition of voting at any election for Representatives in Congress, shall willfully or corruptly refuse or neglect to give any person entitled to vote, at any precinct or voting place established under the provisions of the laws of Congress, or of any State or Territory, full and sufficient opportunities to register in the manner prescribed by law, and within the time fixed by law, or shall by any device or subterfuge impose conditions or enforce discriminations upon voters or classes of voters not declared in such registration laws or shall refuse or neglect, on request made by the voter or his agent to furnish such voter with a certificate of registration or such other form of evidence of the same as may by law be required in such State or Territory, such officers shall be deemed guilty of a crime, and, on conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or imprisoned not less than six months nor more than two years, or both, at the discretion of the court trying the same.

Mr. RANDALL. I call for the yeas and nays on agreeing to this amendment.

The yeas and nays were ordered.



The question was taken; and there were—yeas 119, nays 126, not voting 42; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Bundy, Burchard, Burleigh, Caldwell, Caulfield, Chittenden, John B. Clark, Jr., Freeman Clarke, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Danford, Davis, Dawes, DeWitt, Durham, Eames, Finck, Foster, Giddings, Glover, Gooch, Gunter, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hutton, Kasson, Kellogg, Knapp, Leach, Lowndes, Luttrell, Magee, Marshall, James W. McDill, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Pendleton, Perry, Phelps, Pierce, Poland, Potter, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Saylor, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sloss, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Spear, Stanard, Standiford, Charles A. Stevens, Storm, Strait, Swann, Vance, Waddell, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, and John D. Young—119.

NAYS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, Jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Crooke, Darrall, Dobbins, Donnan, Duell, Dunnell, Field, Fort, Frye, Gunkel, Hagans, Harmer, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Killinger, Lansing, Lawrence, Lawson, Lewis, Loughbridge, Lowe, Lynch, Martin, Maynard, Alexander S. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, James H. Platt, Jr., Thomas C. Platt, Pratt, Rainey, Randall, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, H. Boardman Smith, Snyder, Sprague, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, and Jeremiah M. Wilson—126.

NOT VOTING—Messrs. Barrere, Berry, Biery, Buffinton, Benjamin F. Butler, Clinton L. Cobb, Corwin, Cotton, Crutchfield, Curtis, Eden, Eldredge, Farwell, Freeman, Garfield, Robert S. Hale, Hendee, Holman, Kendall, Lamar, Lamison, Lampport, Loftand, McCrary, Mitchell, Niblack, Hosea W. Parker, Phillips, Pike, Ransier, Schell, Scofield, Small, George L. Smith, Starkweather, Alexander H. Stephens, St. John, Stone, Strawbridge, Charles R. Thomas, Woodworth, and Pierce M. B. Young—42.

So the motion was disagreed to.

During the vote,

Mr. MAYNARD said: I think something was said in not very good temper awhile ago about not coming about the Clerk's desk, and I insist on the enforcement of the rule.

Mr. COOK stated that his colleague, Mr. YOUNG, was paired with Mr. LOFLAND; and that while the latter would vote in the negative, his colleague would vote in the affirmative.

Mr. COX stated that Mr. HOLMAN, who was absent on account of sickness, was paired with Mr. BUFFINTON.

Mr. CRUTCHFIELD stated that Mr. BUTLER, of Massachusetts, was paired with Mr. STEPHENS, of Georgia.

Mr. PARKER, of New Hampshire, stated that he was paired with his colleague, Mr. PIKE, who would vote in the negative, while he would vote in the affirmative; and that Mr. NIBLACK was paired with his other colleague, Mr. SMALL, who would vote in the negative, while Mr. NIBLACK would vote in the affirmative.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the House refused to strike out the first, second, and fourth sections.

Mr. CESSNA moved to lay the motion to reconsider on the table.

Mr. WILBER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 136, nays 106, not voting 45; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, Jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crutchfield, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Frye, Gunkel, Hagans, Harmer, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Lansing, Lawrence, Lawson, Lewis, Loftand, Loughbridge, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, James H. Platt, Jr., Thomas C. Platt, Rainey, Rapier, Ray, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Charles A. Stevens, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—136.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Caldwell, Caulfield, Chittenden, John B. Clark, Jr., Freeman Clarke, Clymer, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Danford, Davis, DeWitt, Durham, Eames, Finck, Foster, Giddings, Glover, Gooch, Gunter, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hutton, Kellogg, Knapp, Lamar, Leach, Lowndes, Luttrell, Magee, Marshall, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Poland, Potter, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Saylor, John G. Schumaker, Henry J. Scudder, Sener, Sloss, J. Ambler Smith, John Q. Smith, Southard, Stanard, Standiford, Storm, Swann, Vance, Waddell, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, and John D. Young—106.

NOT VOTING—Messrs. Albert, Barrere, Biery, Buffinton, Benjamin F. Butler, Clinton L. Cobb, Comingo, Cotton, Curtis, Dawes, Eden, Eldredge, Farwell, Freeman, Garfield, Robert S. Hale, Hendee, Holman, Houghton, Kendall, Killinger, Lamison, Lampport, Mitchell, Niblack, Hosea W. Parker, Phelps, Phillips, Pike,

Pratt, Randall, Ransier, Schell, Isaac W. Scudder, Sessions, Small, William A. Smith, Spear, Starkweather, Alexander H. Stephens, St. John, Stone, Strawbridge, Charles R. Thomas, and Pierce M. B. Young—45.

So the motion to reconsider was laid on the table.

During the vote,

Mr. CLEMENTS stated that his colleague, Mr. BARRERE, was paired with Mr. STONE, who would vote in the negative, while Mr. BARRERE would vote in the affirmative.

The vote was then announced as above recorded.

Mr. RANDALL moved that when the House adjourns it adjourn to meet on Tuesday next.

The SPEAKER *pro tempore*. The question recurs on the engrossment and third reading of the bill, and the gentleman from Pennsylvania moves that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. SHEATS. I move to lay that motion to adjourn over on the table.

Mr. O'BRIEN demanded the yeas and nays on the motion to adjourn over.

The yeas and nays were ordered.

Mr. RANDALL moved the House adjourn.

Mr. MAYNARD. Is that in order when the yeas and nays have been called on the motion to adjourn over?

The SPEAKER *pro tempore*. The Chair thinks so.

Mr. RANDALL. What becomes of the motion of the gentleman from Alabama?

The SPEAKER *pro tempore*. The Chair declines to receive it.

Mr. RANDALL. I thought so. I now withdraw for the present the motion to adjourn.

Mr. TREMAIN. I rise to a question of order. There has already been one motion to adjourn to a day certain and also one motion to adjourn during the consideration of this question. I submit that under the new rule any further dilatory motions of that kind are not in order.

Mr. RANDALL. I call for the reading of the new rule.

The SPEAKER *pro tempore*, (Mr. TYNER.) That perhaps is not necessary, unless the gentleman from New York [Mr. TREMAIN] calls for it. There has been no motion to adjourn and no motion to adjourn to a day certain since the question came up on the engrossment and third reading of the bill.

The question was taken; and there were—yeas 74, nays 160, not voting 53; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Barnum, Beck, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Clymer, Comingo, Cook, Creamer, Crittenden, Crossland, Davis, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hutton, Knapp, Luttrell, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Pendleton, Read, Robbins, James C. Robinson, Ross, Milton Saylor, John G. Schumaker, Scofield, Sloss, J. Ambler Smith, William A. Smith, Southard, Standiford, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wood, John D. Young, and Pierce M. B. Young—74.

NAYS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, Jr., Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Frye, Gooch, Gunkel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Killinger, Lansing, Lawrence, Lawson, Lewis, Loftand, Loughbridge, Lowe, Lowndes, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Parsons, Pelham, Pendleton, Pierce, James H. Platt, Jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Saylor, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—160.

NOT VOTING—Messrs. Albert, Atkins, Barrere, Biery, Blount, Buffinton, Caulfield, Chittenden, John B. Clark, Jr., Clinton L. Cobb, Cox, Curtis, Eden, Eldredge, Farwell, Freeman, Garfield, Robert S. Hale, Harrison, Havens, Hendee, Holman, Houghton, Kendall, Lamar, Lamison, Lampport, Leach, Marshall, McCrary, Merriam, Mitchell, Niblack, Hosea W. Parker, Isaac C. Parker, Phelps, Phillips, Pike, Potter, William R. Roberts, Schell, Isaac W. Scudder, Small, Snyder, Spear, Alexander H. Stephens, Charles A. Stephens, St. John, Stone, Strawbridge, Charles R. Thomas, Waldron, and Wolfe—53.

So the motion was not agreed to.

During the call of the roll,

Mr. CLEMENTS said: my colleague, Mr. BARRERE, is paired with the gentleman from Missouri, Mr. STONE. If they were here Mr. BARRERE would vote "no" and Mr. STONE would vote "ay."

The result of the vote was then announced as above recorded.

Mr. RANDALL. I move that the House do now adjourn.

Mr. NEGLEY. I will make a proposition to gentlemen on the other side, if they will allow me. It is very evident that it is a mere question of time as to when this bill will be passed; and, furthermore, it is merely a question of time when the Arkansas question will be brought up for consideration. I propose to the gentlemen on the other side that they permit this bill to be passed without further filibustering and that the House order the Arkansas question to be considered on Monday morning.

Mr. RANDALL. I move that the House adjourn.

Mr. ELDRIDGE. The gentleman from Pennsylvania [Mr. NEALEY] says that this is only a question of time, and the time remaining of this session is very short. But we do not understand that that is all there is of this question. We look upon it as a question of principle.

Mr. HAMILTON. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 161, not voting 56; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Canfield, Clymer, Comingo, Cook, Cox, Crittenden, Crossland, DeWitt, Durham, Eldredge, Finck, Giddings, Glover, Gunter, Hamilton, Henry R. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Lamar, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Perry, Randall, Reed, Robbins, William R. Roberts, Milton Sawyer, Schell, Speer, Standiford, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—70.

NAYS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, Jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Frye, Gooch, Gunkel, Hagans, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Hynes, Kasson, Kelley, Kellogg, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, James H. Platt, Jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shan's, Sheets, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—161.

NOT VOTING—Messrs. Albert, Atkins, Banning, Barrere, Biery, Buffinton, Benjamin F. Butler, Chittenden, John B. Clark, Jr., Freeman Clarke, Clinton L. Cobb, Cotton, Creamer, Davis, Eden, Farwell, Freeman, Garfield, Eugene Hale, Robert S. Hale, Hancock, John T. Harris, Hendee, Holman, Hurlbut, Kendall, Killinger, Lamison, Lampport, Leach, Mitchell, Moore, Morey, Niblack, O'Brien, Page, Hosea W. Parker, Phelps, Phillips, Pike, Poland, Potter, James C. Robinson, John G. Schumaker, Sessions, Sheldon, Small, J. Ambler Smith, William A. Smith, Snyder, Southard, Alexander H. Stephens, Stone, Strawbridge, Charles R. Thomas, and Thompson—56.

So the House refused to adjourn.

During the call of the roll,

Mr. PARKER, of New Hampshire, said: I am paired with my colleague, Mr. PIKE. I desire also to state that the gentleman from Indiana, Mr. NIBLACK, is paired with my colleague, Mr. SMALL. If present, Mr. PIKE and Mr. SMALL would vote "no," and Mr. NIBLACK and I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. BECK. Is the previous question now exhausted?

The SPEAKER. It is not; the question now is, Will the House order the bill to be engrossed and read a third time?

Mr. RANDALL. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 109, not voting 42; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, Jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Danford, Darrall, Donnan, Duell, Eames, Field, Fort, Frye, Gooch, Gunkel, Hagans, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Killinger, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, James H. Platt, Jr., Thomas C. Platt, Pratt, Rainey, Randall, Ransier, Rapier, Ray, Richmond, James W. Robinson, Ross, Sawyer, Henry B. Sawyer, Scofield, Sessions, Shanks, Sheldon, Sherwood, Sloan, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Snyder, Sprague, Charles A. Stevens, St. John, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—136.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Banning, Barrere, Biery, Buffinton, Benjamin F. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Cotton, Crutchfield, Curtis, Dobbins, Dunnell, Eden, Farwell, Freeman, Robert S. Hale, Havens, Hendee, Holman, Kelley, Kendall, Lamison, Lampport, McCrary, Mitchell, Niblack, Hosea W. Parker, Phillips, Pike, Rusk, Isaac W. Scudder, Lazarus D. Shoemaker, Sloss, Small, J. Ambler Smith, Alexander H. Stephens, Storm, Strait, Strawbridge, Swann, Charles R. Thomas, and Wheeler—42.

lips, Pike, Rusk, Isaac W. Scudder, Lazarus D. Shoemaker, Sloss, Small, J. Ambler Smith, Alexander H. Stephens, Storm, Strait, Strawbridge, Swann, Charles R. Thomas, and Wheeler—42.

So the bill was ordered to be engrossed and read a third time.

During the roll-call the following amendments were made:

Mr. CLEMENTS. On this question I desire to state that my colleague, Mr. BARRERE, is paired with the gentleman from Missouri, Mr. STONE. If Mr. BARRERE were here he would vote "ay," and Mr. STONE would vote "no."

Mr. O'NEILL. I desire to state that my colleague, Mr. KELLEY, is paired with the gentleman from Maryland, Mr. SWANN. If Mr. KELLEY were present he would vote "ay," while Mr. SWANN would vote "no."

Mr. ALBRIGHT. My colleague, Mr. BIERY, is sick. If here he would vote "ay." I desire to state further that my colleague, Mr. STRAWBRIDGE, is detained from the House by sickness.

Mr. CROOKE. I desire to state that my colleague, Mr. CRITTENDEN, is detained from the House by sickness. If here he would vote "no."

Mr. ELLIS H. ROBERTS. I desire to state that my colleague, Mr. WHEELER, has retired from the Hall in consequence of the state of his health. If here he would vote "no."

Mr. O'BRIEN. I desire to state that my colleague, Mr. SWANN, has retired to his home on account of sickness. If he were here he would vote "no."

Mr. RUSK. Upon this vote and upon the vote on the final passage of the bill I am paired with my colleague, Mr. MITCHELL. If he were here he would vote "no," and I should vote "ay."

Mr. BUTLER, of Massachusetts. I desire to say that on these votes I have been paired with Mr. STEPHENS, of Georgia, with the understanding that gentlemen on the democratic side of the House would vote if necessary to make a quorum on every vote. Let me say further that my colleague, Mr. BUFFINTON, who has retired from the Hall on account of ill health, is paired with Mr. HOLMAN, of Indiana.

Mr. O'BRIEN. I desire to add that Mr. HOLMAN has also retired from the Hall on account of ill health.

The result of the vote was then announced as above recorded.

Mr. COBURN. I call the previous question on the passage of the bill.

Mr. RANDALL. I rise to a privileged question. I move to reconsider the vote by which the House ordered the bill to be engrossed and read a third time.

Mr. CESSNA. I move to lay that motion on the table.

Mr. RANDALL. On that question I demand the yeas and nays.

Mr. WOOD. I ask permission to submit a proposition to the House.

Mr. COBURN. I moved the previous question on the passage of the bill. I want to know if I was recognized by the Chair as making that motion.

The SPEAKER. The Chair will recognize the gentleman to make the motion; but the motion to reconsider takes precedence in this case.

Mr. WOOD. I think that at this hour of the night, after a very hard and laborious session, we should endeavor to bring this day's proceedings to a close.

[Cries of "Regular order!"]

Mr. WOOD. I submit the proposition to both sides of the House whether we cannot proceed to vote at once on the final passage of the bill with the understanding that upon the announcement of the result of that vote the House will adjourn until Monday morning.

Mr. TODD. I object, and call for the regular order.

Mr. YOUNG, of Georgia. I ask consent of the House for one minute—

Mr. TODD and others objected.

Mr. YOUNG, of Georgia. I want it understood that—

[Cries of "Regular order!"]

Mr. YOUNG, of Georgia. Mr. Speaker, I ask unanimous consent for one minute to say that out of the forty democratic Representatives from the States to be affected by the provisions of this bill not one of them has been allowed a word in discussion upon the merits of the bill, but on the contrary the gentleman in charge of it has thought proper to deny time to any of the Representatives from the Southern States who intended to oppose the bill.

[Cries of "Regular order!"]

The SPEAKER. The regular order being called for, the question is upon the motion to lay on the table the motion to reconsider the vote by which the House ordered this bill to be engrossed and read a third time, upon which the yeas and nays have been called for.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 100, not voting 53; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burrows, Roderick R. Butler, Cannon, Carpenter, Cason, Cessna, Amos Clark, Jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Darrall, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Frye, Garfield, Gooch, Gunkel, Hagans, Harmer, Benjamin W. Harris, Hathorn, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, James H. Platt, Jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray,



Richmond, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Sessions, Shanks, Sheets, Sherwood, Sloan, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Snyder, Sprague, Charles A. Stevens, St. John, Stowell, Strait, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, and Woodworth—134.

**YAYS**—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Bell, Berry, Bland, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Davis, Dawes, DeWitt, Durham, Finck, Giddings, Glover, Gunter, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hunton, Kellogg, Knapp, Lamar, Leach, Luttrell, Magee, Marshall, McCrary, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Phelps, Pierce, Poland, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Henry J. Scudder, Sener, Lazarus D. Shoemaker, Sloss, William A. Smith, Southard, Stanard, Standiford, Starkweather, Stone, Storm, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—100.

**NOT VOTING**—Messrs. Albert, Barrere, Beck, Biery, Blount, Buffinton, Benjamin F. Butler, Cain, Chittenden, Freeman Clarke, Clinton L. Cobb, Cotton, Crutchfield, Curtis, Duell, Eden, Eldredge, Farwell, Foster, Freeman, Robert S. Hale, Havens, Hendee, Hodges, Holman, Kelley, Kendall, Killinger, Lamison, Lampport, Lowndes, Mitchell, Negley, Niblack, Hosea W. Parker, Phillips, Pike, Potter, Randall, Isaac W. Scudder, Sheldon, Small, H. Boardman Smith, J. Ambler Smith, Speer, Alexander H. Stephens, Strawbridge, Swann, Charles R. Thomas, Wells, Wheeler, George Willard, and James Wilson—53.

So the motion to reconsider was laid on the table.

During the call of the roll,

Mr. COX said: On this question Mr. HOLMAN, of Indiana, is paired with Mr. BUFFINTON, of Massachusetts. Mr. HOLMAN is against this bill in all its stages.

Mr. RANDALL. I move that the House now adjourn.

Mr. BUTLER, of Massachusetts. I ask leave to make a proposition to the House. Before I do that I ask leave to yield to the gentleman from Mississippi, [Mr. LAMAR,] who I understand desires to make a brief personal explanation.

Mr. LAMAR. I shall not make it.

Mr. BUTLER, of Massachusetts. Very well. My proposition I have put in the form of an agreement, so that there shall be no mistake. It is agreed that, two test-votes on the engrossment and third reading of the bill having been now had, the minority will permit the final passage of the bill without further opposition, whereupon the majority will at once adjourn without taking up any further business. The minority will ask a further test-vote now upon the final passage of the bill only, and in consideration thereof will not insist upon the reading of to-day's Journal on Monday.

Mr. RANDALL. I am instructed to consent to that proposition. I am the more glad at the latter part of it because it gives us the opportunity by waiving the right to have the Journal read on Monday morning to show that we have stood here as a minority sincerely wishing the passage of the appropriation bills.

Mr. BUTLER, of Massachusetts. I do not want any understanding that one bill rather than another shall be taken up on Monday.

Mr. RANDALL. I ask no such understanding.

Mr. BUTLER, of Massachusetts. It is understood also that the reconsideration of the vote on the final passage shall be laid on the table without opposition.

Mr. RANDALL. We desire only that the vote on the final passage of the bill to-night shall be taken by yeas and nays.

Mr. BUTLER, of Massachusetts. And the motion to reconsider laid on the table?

Mr. RANDALL. Yes.

Mr. NEGLEY. With the distinct understanding that there shall be no interference with other bills on Monday.

The SPEAKER. The Chair will state the proposition. This bill having now been ordered to be engrossed and read a third time, the arrangement proposed is that without further delay the vote be taken on the final passage by yeas and nays; no vote on reconsideration to be taken except *viva voce*; that the House shall then adjourn, and that on Monday morning the reading of the Journal be dispensed with.

Mr. ELDREDGE. Let it be understood that nothing is waived except the reading of the Journal; that in all other respects we are under the rules of the House.

The SPEAKER. This arrangement does not touch anything else than that. The proposition is not in a form to be journalized; therefore the Chair has stated it. The Chair hears no objection to the arrangement.

The bill was then read a third time by its title.

Mr. TODD. I wish to inquire whether there is any subject that will have preference on Monday morning, or whether that will be in the power of the House?

The SPEAKER. It will be in the power of the majority of the House. The rule especially urgent at the end of the session is that the Chair recognizes those having charge of the public business, technically so-called. The gentleman from Ohio [Mr. GARFIELD] will undoubtedly ask the House to go into Committee of the Whole on the sundry civil appropriation bill. The majority of the House, if it should negative that proposition, will then determine what business shall be proceeded with.

Mr. ELDREDGE. There is no understanding to-night beyond the simple waiving of the reading of the Journal.

The SPEAKER. None whatever. The bill has now been read three times; and the question is, Shall it pass?

Mr. CONGER. There is one point that we do not understand. Will the Speaker please explain whether the motion to reconsider is to be laid on the table so as to finish the bill to night.

The SPEAKER. That is the understanding.

A MEMBER. And the vote on that question is to be taken *viva voce*.

Mr. BERRY. I would like to inquire whether it is in order to move to amend the title of the bill so as to read "An act providing for the election of the President for a third term."

The SPEAKER. The question is now on the final passage of the bill, and it will be taken by yeas and nays.

The question was taken; and there were—yeas 135, nays 114, not voting 38; as follows:

**YEAS**—Messrs. Albright, Averill, Barber, Barry, Bass, Begole, Bradley, Bundy, Burrows, Roderick R. Butler, Cain, Cannon, Carpenter, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Croke, Curtis, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Frye, Gooch, Gunckel, Hagans, Harmer, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Whitlam, Pendleton, James H. Platt, jr., Thomas C. Platt, Pratt, Rainey, Ransier, Rapier, Ray, James W. Robinson, Ross, Sawyer, Henry B. Saylor, Scofield, Sessions, Shanks, Sheets, Sherwood, Sloan, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Snyder, Sprague, Charles A. Stevens, St. John, Stowell, Sypher, Taylor, Christopher Y. Thomas, Thompson, Thompson, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—135.

**NAYS**—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Burchard, Burleigh, Caldwell, Caulfield, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Davis, Dawes, DeWitt, Durham, Eldredge, Finck, Foster, Garfield, Giddings, Glover, Gunter, Eugene Hale, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hunton, Kasson, Kellogg, Knapp, Lamar, Leach, Lowndes, Luttrell, Magee, Marshall, McCrary, McLean, Merriam, Milliken, Mills, Morrison, Neal, Nesmith, O'Brien, Perry, Phelps, Pierce, Poland, Potter, Randall, Read, Robbins, Ellis H. Roberts, William R. Roberts, James C. Robinson, Milton Saylor, Schell, John G. Schumaker, Henry J. Scudder, Sener, Lazarus D. Shoemaker, Sloss, H. Boardman Smith, J. Ambler Smith, William A. Smith, Southard, Speer, Stanard, Standiford, Starkweather, Stone, Storm, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, William B. Williams, Willie Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—114.

**NOT VOTING**—Messrs. Adams, Albert, Barrere, Biery, Buffinton, Benjamin F. Butler, Chittenden, Freeman Clarke, Clinton L. Cobb, Cotton, Eden, Farwell, Freeman, Robert S. Hale, Hamilton, Hendee, Holman, Kelley, Kendall, Killinger, Lamison, Lampport, Mitchell, Niblack, Hosea W. Parker, Phillips, Pike, Richmond, Rusk, Isaac W. Scudder, Sheldon, Small, Alexander H. Stephens, Strait, Strawbridge, Swann, Charles R. Thomas, and Wheeler—38.

So the bill was passed.

During the roll-call the following proceedings took place:

Mr. O'NEIL. On this question my colleague, Mr. KELLEY, is paired with the gentleman from Maryland, Mr. SWANN. My colleague, if present, would vote "ay" and Mr. SWANN "no."

Mr. RUSK. On this question I am paired with my colleague, Mr. MITCHELL, who if present would vote in the negative, while I should vote in the affirmative.

Mr. CESSNA. I desire to state that my colleague, Mr. RICHMOND, who is paired with the gentleman from New Jersey, Mr. HAMILTON, would if present vote "ay," while Mr. HAMILTON would vote "no."

Mr. CROOKE. My colleague, Mr. CHITTENDEN, is detained from the House by sickness. If here he would vote "no."

Mr. BUTLER, of Massachusetts. My colleague, Mr. BUFFINTON, is paired with the gentleman from Indiana, Mr. HOLMAN, both gentlemen being sick. I am paired with the gentleman from Georgia, Mr. STEPHENS.

A MEMBER. How would you vote?

Mr. BUTLER, of Massachusetts. Of course I should vote "ay," and Mr. STEPHENS "no." Of course Mr. BUFFINTON would vote "ay," and Mr. HOLMAN "no."

Mr. ALBRIGHT. My colleagues, Mr. BIERY and Mr. STRAWBRIDGE, are sick and unable to be here. If present they would both vote "ay."

Mr. CLEMENTS. I repeat the announcement that my colleague, Mr. BARRERE, is paired with the gentleman from Missouri, Mr. STONE. My colleague would vote for the passage of this bill, and Mr. STONE would vote against it.

Subsequently,

Mr. CLEMENTS said: I learn that upon this question the gentleman from Missouri, Mr. STONE, is recorded as voting. If he has come in and voted it has been without my knowledge, as I announced the "pair" at his request. I now withdraw the announcement.

Mr. RANDALL. Have both gentlemen voted?

Mr. CLEMENTS. No, sir.

Mr. FIELD. Mr. BARRERE is very ill and not able to be here.

Mr. SPEER. I have been absent from the House to-night upon the committee of conference on the legislative, executive, and judicial appropriation bill, and hence I have perhaps missed some roll-calls. I now vote "no" on the passage of this infamous bill.

Mr. NEGLEY. I object to the gentleman's vote.

Mr. PELHAM. So do I.

Mr. SPEER. On what ground?

The SPEAKER. The Chair thinks the gentleman has a right to object to a vote given in that way.

Mr. PELHAM. I object to the remarks made by the gentleman in giving his vote.

Mr. SPEER. The gentleman may have the right to object to my remarks, but he has no right to object to my vote.

Mr. PELHAM. The remarks are what I object to.

The SPEAKER. A vote, like a motion to adjourn, cannot be accompanied with anything in the nature of debate. It must be given simply "yea" or "nay."

Mr. SPEER. I was in the Hall during this roll-call and have the right to vote. No gentleman has any right to object to my vote.

The SPEAKER. The Clerk will again call the name of the gentleman from Pennsylvania, [Mr. SPEER.]

The name of Mr. SPEER being again called, he voted "no."

Mr. PELHAM. I desire to say that if there were any more republicans here from Alabama they would vote "ay."

The SPEAKER. The remark of the gentleman is out of order.

Mr. CLYMER. The gentleman from Ohio, Mr. LAMSON, is paired with my colleague, Mr. STRAWBRIDGE. On the passage of this bill the former, if present, would vote "no," the latter "ay." I am also requested to announce (possibly the announcement has already been made) that my colleague, Mr. RICHMOND, who if present would vote in favor of the passage of the bill, is paired with the gentleman from New Jersey, Mr. HAMILTON, who would vote against the bill.

The result of the vote was announced as above stated.

Mr. COBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER, (at twelve o'clock and five minutes a. m. Sunday, February 28.) In accordance with the order already made, the House stands adjourned until Monday morning next at eleven o'clock.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CHIPMAN: The petition of William H. Bailey, for a pension, to the Committee on Invalid Pensions.

By Mr. O'NEILL: Communication of John F. Young, of Philadelphia, in relation to taking a census in 1876, to the Select Committee on the Centennial Celebration and the Proposed National Census of 1875.

By Mr. SMITH, of Virginia: Resolution of the Legislature of Virginia, requesting Congress to make an appropriation to the Dismal Swamp Canal, to the Committee on Commerce.

Also, resolution of the Legislature of Virginia, requesting an appropriation to deepen the waters in the Ohio and Kanawha Rivers, to the same committee.

#### IN SENATE.

MONDAY, March 1, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Saturday last was read and approved.

#### HOUSE BILLS REFERRED.

The bill (H. R. No. 4848) for the payment of Edward Hubbard for mail service was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 4787) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the Secretary of the Treasury was read twice by its title, and referred to the Committee on Claims.

#### CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Hon. Isaac P. Christiancy, chosen by the Legislature of Michigan as Senator from that State for the term beginning March 4, 1875; which were read and ordered to be filed.

#### OFFICERS REAPPOINTED IN THE ARMY.

Mr. LOGAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. No. 588) approving the action taken by the Secretary of War under the act approved July 15, 1870, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from their amendments, and agree to the bill of the Senate, with the following amendment:

Add the following as an additional section:

SEC. 2. That hereafter whenever any person who was mustered out as a supernumerary officer of the Army with one year's pay and allowances, in addition to the pay and allowances due him at the date of his discharge, under the provisions of the "act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, shall be reappointed by the President an officer of the Army, such appointment shall be under and with the express condition that 50 per cent. of such officer's pay shall be stopped monthly until the sum total of the extra year's pay and allowances received by him when mustered out as aforesaid shall have been refunded to the United States.

And the Senate agree to the same.

That the House recede from their amendment to the title of the bill, and agree that the title shall be amended so as to read as follows:

An act approving the action taken by the Secretary of War under the act approved July 15, 1870, and to provide for repayments of certain moneys paid to officers mustered out of the Army as supernumerary but subsequently reappointed by the President.

And the Senate agree to the same.

JOHN A. LOGAN,  
M. W. RANSOM,  
B. WADLEIGH,  
*Managers on the part of the Senate.*  
LEWIS B. GUNCKEL,  
EPPA HUNTON,  
J. M. THORNBURGH,  
*Managers on the part of the House.*

The report was concurred in.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections; in which it requested the concurrence of the Senate.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Legislative Assembly of the Territory of Dakota, praying for a division of that Territory and the organization of a new Territory out of the northern portion thereof; which was referred to the Committee on Territories.

He also presented a memorial of the Legislative Assembly of the Territory of Dakota, praying for an additional appropriation for the military wagon-road from the Big Sioux River to Fort Randall; which was referred to the Committee on Military Affairs.

Mr. SARGENT. I present a large number of petitions numerous signed by citizens of California, stating that crime, violence, immorality, poverty, and domestic misery are all attributable to the use of intoxicating spirits, and that the amount of loss occasioned by them is greater than the amount of revenue derived from them, and they ask for an amendment to the Constitution of the United States which shall prohibit the manufacture, importation, and sale of all intoxicating liquors, to take effect on the 1st of January, 1876, or as soon thereafter as possible. I will remark that I find that these petitions are largely signed by women. The only manner by which they can be heard in the national councils is by petition, and I trust the day will soon come when their influence may be felt more directly; but, awaiting that time, I move that these petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. HAMLIN presented a petition of citizens of Dakota Territory, praying that the "Black Hills" be opened for settlement; which was referred to the Committee on Territories.

Mr. BAYARD presented a memorial of the Wilmington Board of Trade and ship merchants and others, remonstrating against abolishing the Light-House Board; which was referred to the Committee on Commerce.

Mr. FERRY, of Michigan, presented a petition of citizens of Michigan, praying that \$200 in legal-tender notes be granted to each Union soldier who served in the late war instead of the proposed one hundred and sixty acres of land; which was ordered to lie on the table.

Mr. PEASE presented a memorial of a committee of the Board of Trade of Columbus, Mississippi, asking an appropriation for the improvement of the Tombigbee River; which was referred to the Committee on Commerce, and ordered to be laid on the table.

Mr. HITCHCOCK presented a memorial of the committee on legislation of the Western Academy of Homeopathy, on behalf of two thousand physicians, remonstrating against the passage of "An act to prevent the introduction of contagious or infectious diseases into the United States;" which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Claims, to whom was referred the bill (H. R. No. 1340) for the relief of Charles A. Luke, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. SCOTT. I am also directed by the same committee, to whom was referred the bill (H. R. No. 2688) for the relief of Albert F. Yerby, administrator of Addison O. Yerby, deceased, or whom it may concern, to report it back with the recommendation that it ought not to pass. This bill comes accompanied by a written report from the House, and as I do not make a written report, I beg leave to state that it is reported adversely for the following reasons:

First. Defective proof to make out the taking of the property.

Second. The property mostly was of a character that would make it within the jurisdiction of the commissioners of claims, and the committee decline to report bills for individuals while the general bill is pending removing the statute of limitation.

Third. If it was not within their jurisdiction we would not make a special case to put it within their jurisdiction.

I therefore move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. SCOTT. I am also instructed by the same committee, to whom was referred the bill (H. R. No. 3774) for the relief of the widow and